

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

<p style="text-align: center;">UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN</p> <hr/> <p>ALVIN BALDUS, CINDY BARBERA, CARLENE BECHEN, RONALD BIENDSEIL, RON BOONE, VERA BOONE, ELVIRA BUMPUS, EVANJELINA CLEEREMAN, SHEILA COCHRAN, LESLIE W. DAVIS III, BRETT ECKSTEIN, MAXINE HOUGH, CLARENCE JOHNSON, RICHARD KRESBACH, RICHARD LANGE, GLADYS MANZANET, ROCHELLE MOORE, AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS, JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP, and TRAVIS THYSSEN,</p> <p style="text-align: center;">Plaintiffs,</p> <p>TAMMY BALDWIN, GWENDOLYNNE MOORE, and RONALD KIND,</p> <p style="text-align: center;">Intervenor-Plaintiffs,</p> <p style="text-align: center;">v. File No. 11-CV-562</p> <p>Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE,</p> <hr/> <p style="text-align: center;">[Caption Continued]</p> <p style="text-align: center;">VIDEOTAPE DEPOSITION PETER A. MORRISON, Ph.D.</p> <p style="text-align: center;">Milwaukee, Wisconsin January 18, 2012</p> <p style="text-align: center;">Susan C. Milleville, Court Reporter</p>	<p style="text-align: center;"><u>I N D E X</u></p> <table><tr><td>2</td><td><u>Witness</u></td><td style="text-align: right;"><u>Pages</u></td></tr><tr><td>3</td><td>PETER A. MORRISON, Ph.D.</td><td></td></tr><tr><td>4</td><td>Examination by Mr. Poland</td><td style="text-align: right;">5/184/253</td></tr><tr><td>5</td><td>Examination by Mr. Earle</td><td style="text-align: right;">166</td></tr><tr><td>6</td><td>Examination by Ms. Lazar</td><td style="text-align: right;">250</td></tr><tr><td>7</td><td></td><td></td></tr><tr><td>8</td><td></td><td></td></tr><tr><td>9</td><td></td><td></td></tr><tr><td></td><td style="text-align: center;"><u>E X H I B I T S</u></td><td></td></tr><tr><td>10</td><td><u>No.</u> <u>Description</u></td><td style="text-align: right;"><u>Identified</u></td></tr><tr><td>11</td><td>48 Subpoena</td><td style="text-align: right;">6</td></tr><tr><td>12</td><td>49 Documents brought to the deposition by Dr. Morrison</td><td style="text-align: right;">6</td></tr><tr><td>13</td><td>49-A ACS 2006 2010 Analysis.xls</td><td style="text-align: right;">67</td></tr><tr><td>14</td><td>50 Thumb drive</td><td style="text-align: right;">7</td></tr><tr><td>15</td><td>51 December 22, 2011 letter</td><td style="text-align: right;">83</td></tr><tr><td>16</td><td>52 Materials produced in response to Exhibit No. 51</td><td style="text-align: right;">83</td></tr><tr><td>17</td><td>53 January 13, 2012 rebuttal report by Dr. Morrison</td><td style="text-align: right;">174</td></tr><tr><td>18</td><td>54 Building a Spanish Surname List</td><td style="text-align: right;">194</td></tr><tr><td>19</td><td>55 Report by Dr. Kenneth Mayer</td><td style="text-align: right;">201</td></tr><tr><td>20</td><td colspan="2">(Exhibit Nos. 48 through 49-A and 51 through 55 were attached to the original transcript and copies were provided to counsel. Exhibit No. 50 was attached to the original transcript.)</td></tr><tr><td>21</td><td colspan="2">(The original deposition transcript was filed with Attorney Douglas M. Poland)</td></tr><tr><td>22</td><td colspan="2" style="text-align: center;">3</td></tr></table>	2	<u>Witness</u>	<u>Pages</u>	3	PETER A. MORRISON, Ph.D.		4	Examination by Mr. Poland	5/184/253	5	Examination by Mr. Earle	166	6	Examination by Ms. Lazar	250	7			8			9				<u>E X H I B I T S</u>		10	<u>No.</u> <u>Description</u>	<u>Identified</u>	11	48 Subpoena	6	12	49 Documents brought to the deposition by Dr. Morrison	6	13	49-A ACS 2006 2010 Analysis.xls	67	14	50 Thumb drive	7	15	51 December 22, 2011 letter	83	16	52 Materials produced in response to Exhibit No. 51	83	17	53 January 13, 2012 rebuttal report by Dr. Morrison	174	18	54 Building a Spanish Surname List	194	19	55 Report by Dr. Kenneth Mayer	201	20	(Exhibit Nos. 48 through 49-A and 51 through 55 were attached to the original transcript and copies were provided to counsel. Exhibit No. 50 was attached to the original transcript.)		21	(The original deposition transcript was filed with Attorney Douglas M. Poland)		22	3	
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<p>and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,</p> <p style="text-align: center;">Defendants,</p> <p>F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI, PAUL D. RYAN, JR., REID J. RIBBLE, and SEAN P. DUFFY,</p> <p style="text-align: center;">Intervenor-Defendants.</p> <hr/> <p>VOCES DE LA FRONTERA, INC., RAMIRO VARA, OLGA VARA, JOSE PEREZ, and ERICA RAMIREZ,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v. Case No. 11-CV-1011 JPS-DPW-RMD</p> <p>Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,</p> <p style="text-align: center;">Defendants.</p> <hr/>	<p>1 VIDEOTAPE DEPOSITION of PETER A. MORRISON, Ph.D.</p> <p>2 a witness of lawful age, taken on behalf of the</p> <p>3 Plaintiffs, wherein Alvin Baldus, et al., are</p> <p>4 Plaintiffs, and Members of the Wisconsin Government</p> <p>5 Accountability Board, et al., are Defendants, pending</p> <p>6 in the United States District Court for the</p> <p>7 Eastern District of Wisconsin, pursuant to subpoena,</p> <p>8 before Susan C. Milleville, a Court Reporter and</p> <p>9 Notary Public in and for the State of Wisconsin, at</p> <p>10 the offices of Reinhart Boerner Van Deuren, S.C.,</p> <p>11 Attorneys at Law, 1000 North Water Street, in the</p> <p>12 City of Milwaukee, County of Milwaukee, and State of</p> <p>13 Wisconsin, on the 18th day of January 2012,</p> <p>14 commencing at 9:21 in the forenoon.</p> <p>15</p> <p>16</p> <p>17 <u>A P P E A R A N C E S</u></p> <p>18</p> <p>19 DOUGLAS M. POLAND, Attorney,</p> <p>20 for GODFREY & KAHN, S.C., Attorneys at Law,</p> <p>21 One East Main Street, Suite 500, Madison,</p> <p>22 Wisconsin 53703, appearing on behalf of</p> <p>23 Plaintiffs Alvin Baldus, et al.</p> <p>24</p> <p>25 PETER G. EARLE, Attorney,</p> <p>26 for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law,</p> <p>27 839 North Jefferson Street, Suite 300,</p> <p>28 Milwaukee, Wisconsin 53202, appearing by</p> <p>29 telephone on behalf of Plaintiffs</p> <p>30 Voces De La Frontera, Inc., et al.</p>																																																																		

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 A P P E A R A N C E S (Continued)

2 MARIA S. LAZAR, Assistant Attorney General,

3 for STATE OF WISCONSIN DEPARTMENT OF JUSTICE,

4 17 West Main Street, Madison, Wisconsin 53703,

5 appearing on behalf of the Defendants.

6 DANIEL KELLY, Attorney,

7 for REINHART BOERNER VAN DEUREN S.C.,

8 Attorneys at Law, 1000 North Water Street,

9 Suite 2100, Milwaukee, Wisconsin 53202,

10 appearing on behalf of the Defendants.

11 Also present: Todd S. Campbell, CLVS

12 Campbell Legal Video Company

13 417 Heather Lane, Suite B

14 Fredonia, WI 53021

15 (262) 447-2199

16 _____

17 (Exhibit No. 48 marked for

18 identification)

19 PETER A. MORRISON, Ph.D.,

20 called as a witness, being first duly sworn,

21 testified on oath as follows:

22 EXAMINATION

23 By Mr. Poland:

24 Q Good morning, Dr. Morrison.

25 A Good morning.

 Q Dr. Morrison, you're here today pursuant to a

 subpoena, correct?

5

1 A Correct.

2 Q The court reporter has marked as Deposition

3 Exhibit No. 48 a copy of the subpoena. I'm

4 handing it to you now. I've given copies I think

5 to all counsel.

6 MR. POLAND: Peter, do you need

7 one?

8 MR. EARLE: No.

9 MS. LAZAR: And, Doug, we have

10 documents --

11 MR. EARLE: May I actually see one?

12 MR. POLAND: Yes.

13 MS. LAZAR: We have documents

14 responsive to that.

15 MR. POLAND: All right. Why don't

16 I take a look at those now.

17 MS. LAZAR: In addition, we have

18 thumb drives.

19 MR. EARLE: Thank you.

20 MS. LAZAR: Thank you.

21 Q Why don't we go ahead and mark these things as

22 exhibits. We will mark this stack of documents as

23 49.

24 (Exhibit No. 49 marked for

25 identification)

6

1 MR. EARLE: Is the thumb drive a

2 duplicate of the handout or are they separate

3 documents?

4 MS. LAZAR: No. It is not a

5 duplicate.

6 MR. POLAND: I've got the copy for

7 the witness. Maria, is there another set?

8 MS. LAZAR: Yes. There are several

9 sets.

10 MR. POLAND: Let's mark the thumb

11 drive as Exhibit 50.

12 (Exhibit No. 50 marked for

13 identification)

14 Q Dr. Morrison, I would like to go back to

15 Exhibit 48.

16 A Yes.

17 Q Can you identify this document for me.

18 A This is a subpoena for me to testify at this

19 deposition.

20 Q And you received a copy of the subpoena?

21 A Yes, I did.

22 Q If you turn to the second to the last page, it

23 identifies an Exhibit A with seven enumerated

24 paragraphs. Do you see those?

25 A Yes.

7

1 Q And you understand that those were requests for

2 you to search for and produce materials that are

3 identified in those seven paragraphs, correct?

4 A Yes.

5 Q Are those documents that you have produced today

6 in response to those paragraphs in the subpoena?

7 A Yes, they are.

8 Q So let me ask you -- I'm not going to go through

9 each of the paragraphs individually because that

10 would take us quite a bit of time. Let me just

11 ask. Did you in fact look for and bring with you

12 today copies of materials that are identified in

13 these seven paragraphs to the extent that they

14 weren't previously provided to counsel?

15 A Yes, I did.

16 Q Is there anything that you did not bring with you

17 or did not give to Ms. Lazar or to Mr. Kelly that

18 would have been responsive to any of these seven

19 paragraphs?

20 A The only thing that I have not given you are

21 copies of published articles which I did not have

22 in my possession but which are cited in my

23 reports. I knew of them, I knew the title of

24 them, but I did not access copies of them having

25 read them years ago or months ago.

8

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 Q And that's fair enough. Those are things in the
2 public domain and they're publicly available?
3 A That's correct.
4 Q Let's talk now about -- I'm going to hand you a
5 copy of the document that's been marked as
6 Morrison Exhibit No. 49 --
7 A All right.
8 Q -- and ask you to identify what the stack of
9 documents that's exhibit -- strike that question.
10 I would like to ask you what are the materials
11 that are collected in Exhibit No. 49.
12 A These are materials that exist that go beyond the
13 materials that were in electronic form on my hard
14 drive which are contained on the thumb drive. So
15 basically everything on my hard drive is contained
16 on the thumb drive, and then I had a file of
17 materials which all have been photocopied here.
18 There will be some substantial overlap between the
19 hard copies that you have in Exhibit 49 which also
20 in some instances exist on my hard drive. So
21 there is some overlap between the two. For the
22 most part the hard copies here are things that
23 were not on the hard drive.
24 Q All right. What I would like to do is -- just so
25 I understand what's in the stack, we're going to

9

1 go through it here. We haven't marked these
2 separately as exhibits. Let's see if we can go
3 through, and there aren't too many of them, and do
4 it without numbering them separately. What is the
5 first page of Exhibit 49?
6 A The first page is a photocopy of notes that I have
7 on the outside of a manila file in which I had
8 filed all of the hard copy materials here. Where
9 it says Wisconsin Districting on the upper
10 right-hand corner, that is the manila file that
11 contained what's below this.
12 Q All right.
13 A The next document is a letter which I think is
14 self-explanatory.
15 Q I'm going to identify this for the record so that
16 it's clear. That's a letter dated December 22,
17 2011.
18 A Correct.
19 Q That's from me, Doug Poland, and that's to
20 Ms. Lazar and Mr. Hodan?
21 A Correct. The next several items are spreadsheets
22 that are hard copies of materials that I had
23 printed out on which I have some notes. Those are
24 the next two items. The first one is handwritten
25 2000 CVAP. The next one has the notation Fix

10

1 Line. The next document is entitled Record
2 Layout, and that refers to a special tabulation of
3 2000 citizen voting age population data. The next
4 document, in the upper left-hand corner it says
5 QT-PL. That is a printout of a Census Bureau
6 published table of data.
7 Q I'm going to stop you right there for just a
8 second. I just want to understand what these are
9 here. I'm going to go back to the document, the
10 first one that was in those single sheets, that
11 says 2000 CVAP on the top of it.
12 A Yes.
13 Q I noticed on the bottom it says Wisconsin
14 stp76-55.xls. I assume this is a printout of a
15 spreadsheet?
16 MS. LAZAR: You're on the wrong
17 page, Doctor.
18 Q It's the page that says 2000 CVAP in handwriting
19 on the front.
20 A One more. I'm sorry. Could you repeat the
21 question?
22 Q Sure. The document says 2000 CVAP, and that is in
23 handwriting at the top.
24 A That is correct.
25 Q And at the bottom of the page you see it says

11

1 Wisconsin stp76-55.xls?
2 A Yes.
3 Q This is a printout of a spreadsheet; is that
4 correct?
5 A That is correct.
6 Q What does this spreadsheet pertain to?
7 A This spreadsheet shows a special tabulation that
8 was made of the 2000 census data. I believe it
9 was for the Department of Justice, but I'm not
10 sure. It was a special tabulation that was made.
11 It refers to -- the portion of it that I've
12 printed out here refers to the State of Wisconsin
13 and to Milwaukee County, and it shows the voting
14 age population distinguishing citizens from
15 non-citizens and also distinguishing race and
16 ethnicity.
17 Q So this was existing data from the census; is that
18 correct?
19 A From Census 2000, correct.
20 Q From the 2000 census. And that is data that you
21 extracted and then put into the spreadsheet?
22 A That's correct.
23 Q Is the spreadsheet that's identified at the
24 bottom, this Excel spreadsheet, is that something
25 that's contained on the thumb drive do you know?

12

1 A I believe it is, but, actually, I would have to
2 check on that. Let me say if it is not, I can
3 certainly furnish it to you during the break in
4 the deposition. I don't know if the entire
5 spreadsheet is contained on the thumb drive or
6 just the portion that referred to the State of
7 Wisconsin. In other words, it's a huge file.
8 Q Okay.
9 A Where it says Wisconsin stp76-55, the number 55
10 refers to the State of Wisconsin and also somehow
11 it distinguishes Milwaukee County. But I can
12 check and see and give you the entire thing during
13 the break if it's not on the thumb drive.
14 Q And what we will probably need to do at various
15 points during the deposition here, and it will
16 probably be a little bit later -- there may be
17 questions that I have on your report where you
18 drew certain numbers from and it may be that we
19 need to refer back to these sheets or maybe not.
20 A Sure.
21 Q That will depend in part on the questioning. I
22 just wanted to get an idea of what this is right
23 now. I'm going to have you set that to the side
24 for just a minute. The next page says at the
25 bottom DemoAcctgModel-JuvenileAging.

13

1 A Yes.
2 Q Can you explain for me generally what this shows.
3 A Yes. What this shows -- these are the data
4 assembled in order to quantify the maturation of
5 persons under age 18 into the voting ages for
6 Assembly Districts 8 and 9. Does that answer your
7 question?
8 Q I think so. I think so.
9 A All right.
10 Q I'm just writing some things down here as I go.
11 Is this data, like with the previous spreadsheet,
12 that you extracted from a different source?
13 A These data derive from the sources shown on this
14 page at the lower left. They're data from
15 particular tables in the 2000 census and also the
16 American Community Survey plus the Excel file of
17 what I have for assembly district population
18 composition that I received from Joseph Handrick
19 of the Reinhart law firm.
20 Q And that Excel file that you had received from
21 Mr. Handrick, is that an Excel file that you have
22 either produced today or previously produced?
23 A Again, I believe it is on the thumb drive, but I
24 would like to check during the break to make sure
25 because once I used it I simply filed it away

14

1 somewhere. But it should have ended up on the
2 thumb drive.
3 Q All right.
4 A I would like to verify that.
5 Q Sure. And we can certainly check that. Then the
6 next document that says at the top Record Layout
7 for Special Tabulations 76 Kim Brace, Election
8 Data Services, what is that document?
9 A This shows the record layout for a special
10 tabulation of Census 2000 data that was made I
11 believe by -- it was made for the Department of
12 Justice. And it shows how the data are laid out
13 for each file for each state and each county and
14 each county subdivision. It is a file that I
15 obtained from Kim Brace of Election Data Services
16 probably ten years ago when I was using it in
17 another case and I've kept on my hard drive as
18 just a resource.
19 MS. LAZAR: One clarification,
20 Doctor. When you say Department of Justice,
21 do you mean Wisconsin Department of Justice
22 or United States?
23 THE WITNESS: United States
24 Department of Justice.
25 Q So Kim Brace worked for Election Data Services

15

1 with the United States Department of Justice?
2 A I don't know whether he worked for them, but I
3 know that he had obtained the special tabulation.
4 It costs a sum of money that you had to pay to the
5 Census Bureau to get it. He had gotten it. As
6 the first person to request it, he had to pay for
7 its production. The Census Bureau said once we
8 produced it, then it's available to whoever wants
9 it. He had it on his hard drive and I said can I
10 have a copy of it rather than go through the
11 Census Bureau and he sent it to me. This would
12 have been at least eight years ago.
13 Q That would have been for redistricting litigation
14 or pertaining to redistricting following the 2000
15 census; is that correct?
16 A That's correct.
17 Q What state was that redistricting litigation in?
18 A You mean what state did I use it for?
19 Q Yes.
20 A It would have been California primarily.
21 Q There are handwritten notations on this document.
22 One says Milwaukee 55079; is that correct?
23 A Right.
24 Q What does that notation mean does?
25 A What that means is where it says FIPS State Code I

16

1 had to pick the file that had Wisconsin state
2 code, which is 55, and Milwaukee County which
3 was -- the FIPS County Code is Milwaukee 55079.
4 So that was the particular file within this entire
5 database that I would have to pull out for these
6 two pieces of geography.
7 Q And the Wisconsin equals 55 underneath, what does
8 that signify?
9 A That's the FIPS code for Wisconsin.
10 Q In using this special tabulation, you then pulled
11 out the data pertaining only to Milwaukee 55079;
12 is that correct?
13 A 55079 and also Wisconsin 55.
14 Q Is that data that is contained in that special
15 tabulation something that is produced either in
16 printed form or on the thumb drive?
17 A Again, I believe it's on the thumb drive, but I
18 would like to double-check that during the break.
19 Q All right.
20 A It's either on the thumb drive or in the hard
21 copy, but, again, I would like to verify that.
22 Q We will move through these documents here so you
23 can identify them for me, and if we need to -- if
24 it's not there, we can certainly look on the thumb
25 drive.

17

1 A Sure.
2 Q In this particular data that is identified in the
3 special tabulation, what aspect of your analysis
4 did you use this for?
5 A My recollection is I used this to calculate the
6 Hispanic share of the voting age population for
7 the State of Wisconsin and for Milwaukee County.
8 I'm sorry. Did I say voting age? Hispanic share
9 of the citizen voting age.
10 Q CVAP. If I say CVAP, we will both understand that
11 means citizen voting age population?
12 A Correct.
13 Q Let's turn to the next page then. This is a
14 document that says in the upper left-hand corner
15 QT-PL Race, Hispanic or Latino and then it goes on
16 from there. This is I believe you testified
17 before a printout of material from the Census
18 Bureau?
19 A Correct. This comes off of American Fact Finder
20 which is basically the retail front door when you
21 go into the Census Bureau and say I would like to
22 get a table of data. This happens to be Table
23 QT-PL, and then it's entitled what it is. It's
24 from the 2010 census, and it shows the race and
25 age structure of the population for Milwaukee

18

1 County.
2 Q So this is solely pertaining to Hispanic residents
3 in Milwaukee County?
4 A No. It distinguishes the total population by
5 race, and then it distinguishes the total
6 population by race and ethnicity or I should say
7 by ethnicity and race.
8 Q I understand. And so this is taken from the 2010
9 census data, correct?
10 A Correct.
11 Q Now, you have a notation over on the right in
12 handwriting or at least somebody wrote a notation
13 that says -- I can't even read that handwriting.
14 Can you read that for me.
15 A Yes. It's my notation in which I observed that
16 almost all whites and blacks are non-Hispanic.
17 MR. EARLE: Where is that? I'm
18 sorry.
19 MR. POLAND: Over on the right in
20 the handwriting to the right of the table.
21 MR. EARLE: Can we have him
22 highlight that on the exhibit that's going to
23 be attached.
24 MS. LAZAR: I will get a
25 highlighter.

19

1 A I've highlighted it as you requested.
2 Q How did you come to make that notation?
3 A I compared simply the distinctions of the
4 population under the major heading Race and then
5 under the minor heading Not Hispanic or Latino
6 below it. It's a comparison of all persons who
7 responded that they were black or African American
8 compared with the non-Hispanic one-race persons
9 who responded black or African American. And my
10 observation was that the number 253,764 was
11 virtually the same as the 248,794. And I believe
12 I did the same thing for whites.
13 Q So now I'm going to ask you because I'm looking at
14 this table of numbers and trying to pull them out.
15 If I look under the major heading Race where it
16 says One Race and if I skip down to the line that
17 says Black or African American, I see under total
18 number it says 253,764, correct?
19 A Correct.
20 Q And then what number did you compare that to?
21 A If you just look down to maybe the sixth line from
22 the bottom where it says Black or African
23 American, which is the subset of blacks or African
24 Americans who also said they were not Hispanic and
25 you see the number 248,794.

20

1 Q Okay. I see that. And so based on that you
2 reached a conclusion that almost all blacks are
3 non-Hispanic, correct?
4 A Correct.
5 Q And that that was for the Milwaukee County data?
6 A That's correct.
7 Q Are those data available for any smaller
8 geographic area than Milwaukee County?
9 A I believe they should be available down to a very
10 small piece of geography. I had no reason to go
11 below that level, but -- I would have to check. I
12 think they might be available down to the census
13 block group level.
14 Q When you say you didn't need to go any smaller
15 than the county level, why is that?
16 A Just because I wanted to see if there was any
17 substantial overlap between the category Hispanic
18 and the category Black which would indicate that
19 there was a significant presence of let's say
20 Caribbean African Americans or there's a
21 significant Caribbean African American population
22 in the area.
23 Q And similarly if we look at the major heading Race
24 where it says One Race and then White, we see a
25 number 574,656; is that correct?

21

1 A Correct.
2 Q And then you would have compared that to the
3 number further down under Non-Hispanic or Latino
4 where it says White the number is 514,958?
5 A Correct.
6 Q And, again, comparing those two numbers, that's
7 what led you to conclude that almost all whites
8 are non-Hispanic?
9 A Correct.
10 Q And in what part of your analysis did you use this
11 particular table of data for?
12 A I don't recall exactly where I used this, but it
13 is probably the case that I incorporated the data,
14 either from this table or some other table that
15 had the same numbers because the voting age
16 population broken down this way is available in a
17 number of different tables, in calculating the
18 Hispanic share of the total population and of the
19 voting age population for the County of Milwaukee.
20 Q All right. I would like to move to the next
21 document then. On my copy there's a map on the
22 first page that shows a number of assembly
23 districts and then there are a number of pages
24 attached to that. These are all paper clipped
25 together at least in my copy. Can you identify

22

1 what that set of materials is.
2 A Yes. These are a series of maps that come from
3 different sources. Some of them were printouts
4 from links that I was furnished by Patrick Hodan
5 where he said here is a link you could go to to
6 see what the geography is of the various
7 districts. That would be the case with the first
8 one. The second item in this paper clipped group
9 is a printout of a map that I was looking at on
10 American Fact Finder. Again, the Census Bureau
11 website. The third map is -- this is a map that I
12 arranged to have prepared by my GIS person showing
13 the census -- it's an overview. The one that's
14 labeled Figure 2. If you look at Figure 2 and
15 then the map that follows, Figure 2 is kind of an
16 overview map of the map that follows. Figure 2 is
17 the one that shows the enclave of heavily Hispanic
18 areas that are encompassed by Assembly District 8
19 and Assembly District 9. The map that follows
20 shows the census tract numbers of that area.
21 Q I'm just going to stop you there for a second to
22 make sure that the record is clear. So the first
23 page that you're referring to has handwritten
24 Figure 2 up at the top, correct?
25 A Correct.

23

1 Q And then on the map it reads Milwaukee County 2010
2 Census Tracts --
3 A Correct.
4 Q -- and has AD8 and AD9, correct?
5 A Right.
6 Q Now, handwritten in there is Hispanic Enclaves.
7 Do you see that?
8 A Yes.
9 Q Whose handwriting that?
10 A That's mine.
11 Q Why did you write Hispanic Enclaves there?
12 A Because I had observed the concentration of
13 Hispanics in that area and was noting in my report
14 that the two districts encompassed much of the
15 most heavily Hispanic areas of the county.
16 Q The page that follows then appears to be zoomed in
17 on that area; is that correct?
18 A That's correct.
19 Q And this is the document that says 2010 Census
20 Tracts AD8 AD9?
21 A Correct.
22 Q And it identifies the census tracts by number; is
23 that correct?
24 A That is correct.
25 Q Is the dark shaded area that has census tract

24

1 numbers in them, is that coextensive with AD 8 and
2 AD 9?
3 A Yes. What that shows is all census tracts that
4 are wholly or partly within AD 8 or AD 9.
5 Q Now, there's not an overlay of the boundaries of
6 AD 8 and AD 9 on this particular page; is that
7 correct?
8 A Correct.
9 Q Do some of the census tracts extend outside of the
10 boundaries of AD 8 and AD 9?
11 A I believe they do, yes.
12 Q Now, what did you use the 2010 census tracts for
13 in your analysis?
14 A The census tracts listed here identify -- the
15 census tracts listed on the map identify the
16 census tracts for which I would have to obtain
17 data in order to aggregate data into each of the
18 assembly districts.
19 Q I'm sure we're going to come back to those a
20 little bit later, or I suspect that we will, but I
21 want to keep moving through these documents. The
22 next page then -- I'm just going to ask you to
23 identify the next page for me. I see that it has
24 a handwritten D9 and D8 on it for the record, but
25 perhaps you can describe it for me.

25

1 A Yes. I'm not sure where I obtained this map. I
2 think it may have been downloaded from one of the
3 websites that I was told to go to. And I'm not
4 sure what the numbers refer to in here. Let me
5 just check this a moment. I might be able to tell
6 you. In any case, this is a map that I've labeled
7 the area D8 and the area D9. I'm not sure if I
8 ever used this beyond just having looked at it.
9 It may have been an early map that I looked at.
10 Q What are the numbers that are in the blocks
11 signifying?
12 A That's what I'm trying to recollect here. Give me
13 just a moment. I might be able to tell you.
14 These are going to be census tract labels I see.
15 If you look in the upper right-hand corner, you
16 can see -- let me put it this way. Do you see
17 where it says D8 in handwriting?
18 Q Yes, I do.
19 A If you look directly below that, you will see the
20 number 157 and the number 1865. Those are the
21 census tract numbers that are identified. On this
22 map I was double-checking to make sure that every
23 census tract had been included in the request to
24 my GIS person to compile the data. You will see
25 that I've got a checkmark for all of the census

26

1 tracts in the lighter area called D8, and I've got
2 a checkmark in all of the somewhat darker areas to
3 the left that are called D9. What I was doing was
4 assuring that we had all of the census tracts that
5 comprised each of the districts accounted for in
6 what I believe is a spreadsheet that is on the
7 thumb drive.
8 Q Now, do the D9 and D8, those notations, have any
9 particular significance?
10 A Well, they distinguish the two districts.
11 Q All right. So the D9 pertains to Assembly
12 District 9?
13 A That's correct.
14 Q And D8 pertains to Assembly District 8?
15 A That is correct.
16 Q If we go back to the previous page we had looked
17 at, the printout that said 2010 Census Tracts AD8
18 and AD9, and there was a shaded area and there
19 were some numbers in that -- I think you have got
20 it right there in front of you.
21 A Yes.
22 Q I noticed that the numbers that are on that
23 document are different. They are numbers that
24 have six digits. The numbers in the page we were
25 just looking at only have three or four digits.

27

1 A Let me just see if I can explain how that works.
2 If you see, for example, in the upper right-hand
3 corner 187400 and then on the other map you see
4 1874, the distinction there is the 1874 refers to
5 a census tract. The 187400 would distinguish
6 block groups within the census tract. 00 means
7 the entire tract. If it had said 1874 and some
8 other digits, that would refer to a particular
9 subpart of the census tract.
10 Q I see. So if I understand then, the page that has
11 the 187400, that's simply a larger area and it
12 does correlate with the 1874; is that correct?
13 A There's no difference between the two. It's
14 simply a labeling difference.
15 Q Right. I understand. So back to the page where
16 you had the handwritten D9 and D8. You said that
17 these data do pertain or I should say these
18 numbers do pertain to data that's on the
19 spreadsheet contained on the thumb drive?
20 A Correct.
21 Q Let's move to the next page then which appears at
22 least to me -- it doesn't have the handwriting and
23 the checkmarks, but it appears otherwise to be the
24 same as the page we just looked at with the
25 handwritten D9 and D8; is that correct?

28

1 A Correct.
 2 Q Is that just a printout from before you had gone
 3 through your check with your GIS person?
 4 A I think it was a printout in which I did not get a
 5 good resolution of the numbers so I printed it out
 6 again either on a different printer or with a
 7 different print instruction so the numbers were
 8 clearer. So you could consider it a poor first
 9 effort at printing it out.
 10 Q All right. I understand. And then the next page
 11 is double sided. On the first side at the top it
 12 says Census Tracts Entirely Within AD 8 and has a
 13 number of tracts and some handwriting. Then on
 14 the flip side it talks about AD 9. Can you
 15 explain this document to me, please.
 16 A Yes. This was my quality control check to make
 17 sure that I had included all of the tracts that
 18 are entirely within each district, AD 8 on one
 19 side of the page and AD 9 on the other. And then
 20 there were some census tracts that were split
 21 where only a portion of the census tract was
 22 within a district. What I did in these cases was
 23 looked at the map and developed a fractional
 24 allocation so that I could take the population of
 25 a given tract and say 85 percent of it was within

29

1 one district and 15 percent was within the other
 2 district or 85 percent was within District 8,
 3 15 percent was not within District 8 or was not
 4 within either district. So the numbers that you
 5 see there are my notations to develop those
 6 fractions.
 7 Q This is on the first page. If we look up at the
 8 top where it says Census Tracts Entirely Within
 9 AD 8 and it has tract numbers ranging from 164 to
 10 1865 -- do you see those?
 11 A Yes.
 12 Q And so those tracts were entirely within AD 8?
 13 A Correct.
 14 Q And there was no sort of -- you didn't have to do
 15 any allocation at all with respect to the
 16 populations in those tracts; is that correct?
 17 A That is correct.
 18 Q Now, just to the right of there there is some
 19 handwriting. What does that handwriting --
 20 generally speaking what does that pertain to?
 21 A Let me just study this for a moment. I think I
 22 was doing some preliminary computations of the
 23 Hispanic share of the total population and of the
 24 citizen voting age population. That's what it
 25 looks like.

30

1 Q The numbers that you have there that you're using,
 2 do those represent any specific data that you were
 3 working with?
 4 A I believe that they were based on the aggregation
 5 of these tracts into districts. I'm not sure what
 6 the calculation referred to here. I know it was a
 7 preliminary one just to get an idea of whether the
 8 numbers looked plausible based on the aggregation.
 9 And I don't know whether this refers to both
 10 districts together or to either one of the
 11 districts. I don't know what that calculation
 12 refers to. I just know that it was a preliminary
 13 one.
 14 Q All right. We're going to have to break in just a
 15 minute here. I know Ms. Lazar and Mr. Hodan need
 16 to take a phone call. Let me just ask you, below
 17 that there is a section that says Census Tract
 18 Split Within AD 8. Do you see that?
 19 A Yes.
 20 Q And then it identifies tracts ranging from 157 to
 21 1874, correct?
 22 A Correct.
 23 Q Now, you have multipliers that are just to the
 24 right of those numbers, correct?
 25 A Correct.

31

1 Q And those are the adjustments that you said that
 2 you made?
 3 A They are not adjustments. They are the fractions
 4 that I used to allocate the populations of the
 5 census tracts to one or another or both districts.
 6 MR. POLAND: We're going to have to
 7 break there for just a couple of minutes.
 8 (Recess)
 9 Q Dr. Morrison, just before we broke we were taking
 10 a look at Exhibit 49 and some of the individual
 11 sheets within 49. Where we left off was on the
 12 sheet that says at the top of it Census Tracts
 13 Entirely Within AD 8. Do you have that sheet in
 14 front of you?
 15 A I do.
 16 Q More specifically we had focused our attention
 17 just at the time that we broke on the portion of
 18 this page that says Census Tracts Split Within
 19 AD 8. Do you recall that we were discussing that?
 20 A Yes.
 21 Q All right. I would like to take you back down to
 22 that again. We can finish off that discussion. I
 23 was asking about the handwritten numbers that I
 24 had used the term multipliers and I think you used
 25 the term fractions that are handwritten in next to

32

1 those tract numbers. Do you see that?
 2 A Yes, I do.
 3 Q So I would like to ask you about those. Can you
 4 describe for me again just generally so we get our
 5 train of thought set here what those numbers are.
 6 A Those are my allocations of a census tract's
 7 population where the tract has been -- where the
 8 tract is classified as a split tract.
 9 Q So part of the tract is inside Assembly District 8
 10 and part is outside Assembly District 8?
 11 A Correct.
 12 Q By the way, I haven't done this yet. I want to
 13 make sure that we're on the same page with this.
 14 When we're talking about Assembly District 8 and
 15 Assembly District 9, we're talking about those
 16 assembly districts as they appear under Act 43,
 17 correct?
 18 A Correct.
 19 Q Not as they're currently composed before Act 43
 20 goes into effect, correct?
 21 A They're what I refer to as the enacted assembly
 22 districts.
 23 Q Under Act 43, correct?
 24 A I believe it's under Act 43. I just refer to them
 25 as enacted, the ones that have been enacted.

33

1 Q Fair enough. Looking at that first number for
 2 Tract 157 -- do you see that?
 3 A Yes.
 4 Q Right after that it looks like it says times 0.85.
 5 Do you see that?
 6 A Correct.
 7 Q All right. So what does the 0.85 indicate?
 8 A That is my fraction that is used to allocate
 9 85 percent, or the fraction .85, of everything in
 10 Census Tract 157.
 11 Q All right. Now, when you say everything in Census
 12 Tract 157, what do you mean by that?
 13 A Total population, Hispanic population, voting age
 14 population, Hispanic voting age population. In
 15 other words, every metric that I look at --
 16 85 percent of that metric, if it is an absolute
 17 number, is within Census Tract 157.
 18 Q All right. And then the remaining 15 percent --
 19 A I'm sorry. Is within Assembly District 8.
 20 Q And so the remaining 15 percent then of everything
 21 within Census Tract 157 you counted as being
 22 outside of Assembly District 8?
 23 A Correct.
 24 Q Now, how did you come up with that number of
 25 85 percent?

34

1 A By looking at the geographic territory on one of
 2 the maps that shows the -- I believe it will be in
 3 the stack of maps that are paper clipped together,
 4 the fifth map in. It is the one that has the hand
 5 notation D8 and D9 and a series of checkmarks by
 6 each census tract. It is the one that precedes
 7 the version that I said was a poorer printout, a
 8 less legible printout.
 9 Q All right. So as I look at that sheet and I look
 10 at Census Tract 157, that's the block that has the
 11 number 157 in it?
 12 A Correct.
 13 Q So I see that there is a light shaded portion that
 14 is sort of across the top and most of the block
 15 and then a darker shaded portion that's sort of
 16 off to the left there; is that correct?
 17 A Correct.
 18 Q Now, how did you decide on the 85 percent/15
 19 percent split?
 20 A By examining the boundary of the Tract 157 and
 21 distinguishing the lighter portion from the darker
 22 portion and gauging the allocation of basically
 23 the geography of that tract as 85 percent lighter,
 24 15 percent darker.
 25 Q Were there any actual measurements that went into

35

1 that allocation or were you eyeballing it?
 2 A This would be a careful eyeballing of it having
 3 done so many times before in many other instances.
 4 Q All right. Is this allocation method that you
 5 used something that you have seen used by other
 6 demographers before in similar situations?
 7 A Yes.
 8 Q Is it anything that is identified in any of the
 9 published literature in terms of methodologies on
 10 how to allocate census tracts?
 11 A I don't know if -- I wouldn't be surprised if it's
 12 in the published literature, but I don't know
 13 if -- I can't give you a specific citation. I
 14 know that the Census Bureau itself in some of its
 15 technical documentation has procedures for
 16 allocating territory when it changes the
 17 boundaries of census blocks and census tracts from
 18 one census to another and this is one of the
 19 techniques, this is one of the methods that it
 20 uses.
 21 Q And so you adhere to the Census Bureau's
 22 techniques in carrying out your allocation?
 23 A I used one of the approaches that they have used
 24 although it is a matter of simply allocating on
 25 the basis of geographic territory. So if you

36

1 asked me did I measure it with a ruler? No. The
 2 eyeball technique would be simply looking at it
 3 and saying it's roughly 15 percent/85 percent.
 4 Q It could be 80 percent/20 percent? It could be
 5 87 percent/13 percent?
 6 A It may not be exactly 85 and 15, but I would say
 7 that's a close approximation.
 8 Q Now, that approximation also is done without
 9 respect to where the population actually lies
 10 within Census Tract 157, correct?
 11 A It is done strictly on the basis of the tract
 12 geography.
 13 Q So, for example, let's just -- this is a
 14 hypothetical. If there were very densely
 15 populated apartments within the darker shaded
 16 portion of Census Tract 157 and in the lighter
 17 shaded portion there were scattered single family
 18 houses, and, again, this is a hypothetical, the
 19 85/15 split wouldn't accurately reflect the actual
 20 population, correct?
 21 A Under that hypothetical it might not.
 22 Q Did you do anything to study what the makeup of
 23 Census Tract 157 was in terms of apartment
 24 buildings, single family homes, industrial
 25 facilities or manufacturing facilities?

37

1 A No, I did not.
 2 Q What about for any of these tracts that were in
 3 the analysis where you allocated portions of a
 4 tract to AD 8 and portions of a tract outside
 5 AD 8?
 6 A No. I didn't do that in any of those cases
 7 because that is not how it was done in the Census
 8 Bureau's procedure that I followed.
 9 Q Where does one find the Census Bureau's procedures
 10 that you followed?
 11 A I believe that is contained in one of the
 12 documents. It's either one of the hard copy
 13 documents or it's on the thumb drive. I can't
 14 remember the exact title of it, but it's something
 15 that essentially says something to the effect here
 16 are the steps that I followed to do something or
 17 other, and it was a procedure that talked about
 18 allocating territory that involved census tracts
 19 where there was some water involved like a lake.
 20 I don't know which document it is, but I know it's
 21 on the hard drive or in the hard copy.
 22 Q All right. I quickly glanced through some of the
 23 titles of some of the files, and I quickly looked
 24 at the file names. I thought I saw something like
 25 that. I just wanted to see if I can bring it up

38

1 here so I can make sure that I understand.
 2 A It will make some reference to the Census Bureau
 3 procedure for -- it has to do with how the Census
 4 Bureau deals with split blocks going from census
 5 geography in one census, such as 2000, to Census
 6 2010. It may be that there is simply a hot link
 7 to a website on the Census Bureau website that
 8 explains it, but I know that there is a reference
 9 somewhere because I remember using it.
 10 Q To make sure I understand, why would the change
 11 from 2000 to 2010 be something that would involve
 12 the splits in the census blocks?
 13 A It doesn't involve me. It involves the Census
 14 Bureau's procedures. This derives from the Census
 15 Bureau's need to explain how it deals with changed
 16 geography when it used a census block in 2000 and
 17 then in 2010 it decided to use a different piece
 18 of geography possibly consolidating two blocks
 19 that may have become an industrial area or had
 20 become a single block or possibly a block that had
 21 been divided in some way by the Census Bureau for
 22 enumeration purposes. So they set forth a set of
 23 principles that allow a demographer to go in and
 24 say if I am looking at this particular census
 25 block in 2010 for which you reported data and I

39

1 want to go back and say what was the population of
 2 that piece of geography in 2000 even though then
 3 might have been let's say part of a larger entity,
 4 the Census Bureau provides -- I think they call it
 5 an equivalence file. For every single block that
 6 doesn't match perfectly I believe they have an
 7 equivalence file that says essentially this block
 8 used to be these two blocks or 10 percent of that
 9 block 90 percent of that block. So there's an
 10 equivalency file so it's possible to -- this
 11 enables people who need to do so to compare the
 12 population over the two decades of the censuses
 13 for the same piece of geography.
 14 Q I think I understand. And that's at the block
 15 level; is that correct?
 16 A I believe so, yes.
 17 Q And the block level is the smallest level of data
 18 that the Census Bureau keeps?
 19 A That's correct. Just so we're clear on it, it's
 20 called a census block. It almost always
 21 corresponds with what we would think of as a city
 22 block although in a non-urban or rural setting a
 23 census block could encompass a very large area of
 24 semi-populated or un-populated territory.
 25 Q What is the next size that the Census Bureau keeps

40

1 up from a census block? What's the next smallest
2 size of geographical information they keep?
3 A That's a census block group.
4 Q That's a block group. All right. How many blocks
5 are in a block group?
6 A That varies. I believe it is always more than
7 one. In a city it would typically be maybe
8 anywhere from four to eight. But it varies
9 widely. It could be a large number or it could be
10 just two.
11 Q All right. And then after block group what's the
12 next smallest geographic area of data that the
13 Census Bureau keeps?
14 A That would be a census tract.
15 Q That's the tract. And the tracts, it looks like
16 from the documents you have given, that the tracts
17 are varying sizes as well?
18 A Varying sizes geographically, yes.
19 Q Now, the allocation that you performed of census
20 tracts, could you have gone down further to the
21 block level to make any more precise determination
22 for the purposes of allocating population?
23 A Not without an immense amount of effort because I
24 would have to deal with every single census block
25 in all of these tracts and line up the equivalency

41

1 of those blocks. Probably it could take days or
2 weeks of effort.
3 Q So it is possible. Let's just use 157, Census
4 Tract 157, as an example. It would be possible to
5 test your allocation, the 85/15 percent by going
6 down to the census block level and trying to do
7 the same allocation only using the census block
8 data?
9 A I believe it would be, yes.
10 Q That is not a check of your allocation that you
11 performed; is that correct?
12 A I'm not following your question.
13 Q In other words, you didn't perform a check of your
14 allocation by going to the census block level and
15 seeing whether using the census blocks your
16 allocation is essentially the same as what you
17 would find doing the analysis on the block level?
18 A No, I did not.
19 Q The next one on your list of census tracts that
20 were split is 163. I see a handwritten times 0.1
21 next to that, and then there's an arrow over and
22 there's a 0.15. Do you see that?
23 A Yes.
24 Q What does the 0.1 and then the arrow and 0.15
25 indicate?

42

1 A That indicates that I revised my initial eyeball
2 view of it, which was 0.1, to 0.15.
3 Q So in Census Tract 163 you then allocated
4 15 percent of everything within that census tract
5 to Assembly District 8, correct?
6 A I want to locate this on the map to be sure that
7 we have got -- I'm trying to locate 163 here.
8 Q It's pretty much center of the page. It's kiddy
9 corner to 157. If you look just to the lower --
10 A I see. Right.
11 Q To the left.
12 A Right. Yes. I allocated 15 percent of that to
13 District 8.
14 Q And, again, this is something that you did
15 eyeballing it. You did not check that by going to
16 the census block level and looking at census
17 blocks?
18 A Correct. I didn't feel there was any need to do
19 that because this is a procedure that the Census
20 Bureau follows in this kind of situation.
21 Q Did you have anyone else take a look at the
22 allocations that you had done to make a
23 determination about whether they thought that the
24 allocations you were making were appropriate?
25 A No.

43

1 Q As we go down the list then, and I'm not going to
2 go through all of them, all of the way down to
3 1874, is it correct to say that where you have a
4 number that is written over to the right, so, for
5 example, looking at Tract No. 169, you started out
6 with 0.4 and then you've got the arrow and it's
7 0.45. Is it correct to say that the number on the
8 right is the number that you finally used for your
9 analysis?
10 A That's correct.
11 Q Is there a reason that you would have changed
12 these numbers, anything that you did that you can
13 recall specifically, to make a determination that
14 with using the example of Census Tract 163 that
15 the 15 percent was a better number to use than the
16 10 percent?
17 A Yes. Let me give you an example with 163 because
18 that will I think show you how I proceeded. I
19 started out with Assembly District 8, and you will
20 see that I then went over to Assembly District 9
21 on the other side. So my procedure was to start
22 out with Assembly District 8. I looked at Census
23 Tract 157, and I said that looks like -- I'm
24 sorry. Let's take 163 because that's where I made
25 the change. 163 I looked at the -- my first look

44

1 at it from the perspective of how much of 163 is
2 in District 8 and my initial eyeballing was 1/10th
3 of it. I then went -- if turn the page to see 163
4 on the other side, I had put down .9 as the other
5 portion of it in Assembly District 9. When I went
6 through and reviewed it a second time, I looked at
7 it and I said I think it looks more like an 85/15
8 split and so I changed it. That was purely kind
9 of a check on my own initial impressions.
10 Q But there wasn't any further analysis or
11 calculations that you did, and by analysis I mean
12 data analysis or calculations, that you did to
13 revise that split?
14 A No.
15 Q Is that right? Now, as you pointed out,
16 Dr. Morrison, you do have -- at the bottom of the
17 page Census Tracts Entirely Within AD 9 and then
18 that follows on the back page and we have tracts
19 between 158 and 214 all of which fall entirely
20 within AD 9, correct?
21 A Correct.
22 Q And then we have got a list of census tracts split
23 within AD 9, right?
24 A Correct.
25 Q And that runs from Census Tract 133 through 1868?

45

1 A Correct.
2 Q The numbers that appear in handwriting next to
3 those census tract numbers again are the fractions
4 of those split census tracts that you allocated to
5 Assembly District 9, correct?
6 A Correct.
7 Q Now, I want to turn back over to the first page.
8 I was looking at this while we had broken, and I
9 wanted to draw your attention to the handwriting
10 in the upper right-hand portion of the page. I'm
11 going to need to bring you back to your original
12 report because I think I figured out where this
13 number is and I want to play with that a little
14 bit. Do you have Exhibit No. 32 in front of you?
15 A That's my initial report, correct?
16 Q Correct.
17 A Yes, I do.
18 Q Terrific. Would you turn to Page 7 and
19 specifically to Table 2 on Page 7.
20 A Yes.
21 Q If you look in Table 2, you will see around the
22 middle of the table a line that says Citizen
23 Population 18 and Older CVAP.
24 A Yes.
25 Q If you go down two lines, you will see Percent

46

1 Hispanic?
2 A Yes.
3 Q And then if you look within Assembly District 8,
4 you will see a number 40.9 percent?
5 A Yes.
6 Q Now, if we go back to the handwritten page of the
7 census tracts entirely within AD 8, you will
8 see -- at the bottom of the handwriting on the top
9 page you will see 40.9 percent. Do you see that?
10 A Yes.
11 Q Do those two numbers pertain to one another?
12 A I am assuming and I'm quite sure that the
13 handwritten numbers on the page that we're
14 referring to with all of the census tracts within
15 different districts was a preliminary calculation
16 that I had made, and it may be that that
17 preliminary calculation in fact was the correct
18 calculation that made it into Table 2 of my
19 report. For my purposes, the preliminary
20 calculations on this sheet of paper with all of my
21 handwriting and the different census tracts and
22 how they're split was simply an effort to do a
23 reality check to see whether what I was coming out
24 with were numbers that were plausible or very
25 close to what they should be because if they were

47

1 not it would have indicated that there was some
2 error in the allocation procedure that I needed to
3 go back and correct. It might in that case have
4 been a basis for my wanting to do something like
5 you described before of actually checking a
6 particular census block to see whether it was all
7 apartments in one corner of it. It's essentially
8 a reality check to see whether the numbers are
9 fitting with what the gross numbers are that the
10 census had counted.
11 Q I would like to understand what the numbers are
12 here in handwriting to the extent that we can
13 tell. The handwritten numbers -- at the top
14 there's a 34,239 and then there's a slash next to
15 it and then 55,13. I don't know if something was
16 cut off there or not. Perhaps it was. Can you
17 tell me what those numbers are. Do you see the
18 numbers?
19 A I see them. I honestly don't know that I can tell
20 you, but let me see if I can figure out what I had
21 in mind there. These were just to see whether
22 these numbers were in the ballpark of what they
23 should be. I know that what I meant there where
24 you see the two words ADJ Percent and then below
25 it another ADJ Percent -- one of them refers to

48

1 the Hispanic total population. The other one
2 refers to the Hispanic citizen voting age
3 population based on the five-year ACS file.
4 MR. EARLE: Can you have ask him to
5 highlight those numbers.
6 Q Dr. Morrison, I've been asked if I can have you
7 highlight the handwritten numbers on the page that
8 says Census Tracts Entirely Within AD 8.
9 A Yes. You wanted me to highlight what, the ADJ
10 portion that I just mentioned?
11 MR. POLAND: What did you want?
12 MR. EARLE: Yes.
13 A This is in the upper right-hand corner.
14 Q Correct.
15 A The ADJ Percent Age total in handwriting, that's
16 the Adjusted Percent Hispanic Total Population,
17 and then the Adjusted Percent CVAP 2006 to 2010.
18 Q And the number that I had asked about, the first
19 one, was the 34,239. And then there's the slash
20 55,13.
21 A Right. I see what I was doing there. What I had
22 done there was my initial allocation was telling
23 me that the numbers were coming out roughly 33,941
24 as a percent of 54,010, and that number -- I was
25 able to make that number closer to the true number

49

1 shown in Table 2 by reexamining the spacial
2 allocations and seeing where I had made some
3 slight misjudgments and correcting those
4 misjudgments so that the numbers came out to be
5 very close to what the Census Bureau was measuring
6 in the data shown in Table 2. So this was
7 basically making these data converge on what the
8 true Census Bureau benchmark numbers are.
9 Q So when you say the Census Bureau, the true
10 numbers in Table 2, what are you referring to in
11 Table 2?
12 A In Table 2 I'm referring to the numbers for the
13 total population under the column Assembly
14 District 8 and Assembly District 9. And what I am
15 getting with the approximations of the split block
16 allocations are numbers that are very close to
17 those numbers. By looking at the census tract
18 allocations that I had made initially and refining
19 them I was able to get the numbers to approximate
20 the numbers in Table 2 even more closely.
21 Q I want to make sure I understand the numbers that
22 you were comparing. I think I'm going to go --
23 you said census blocks. Did you mean census
24 tracts?
25 A Census tracts. Right.

50

1 Q So initially you had written 33,941. I understand
2 that was an initial allocation, but what did that
3 33,941 refer to or represent?
4 A That would have referred to the total Hispanic
5 population in District 8 as I had approximated it
6 by combining the census tracts wholly within AD 8
7 and the census tracts that were split.
8 Q All right. So that was a number that you were
9 comparing to which number on Table 2?
10 A I was not actually comparing the 33,941 to
11 anything. I was comparing the 54,010 which is the
12 denominator below it. That's the total
13 population, and that's the one for which I would
14 have a total population count in Table 2.
15 Q So the total population. In other words, not just
16 limited to Hispanics. That's everybody within
17 that tract?
18 A Correct.
19 Q So the 54,010, which is the denominator, the total
20 population, what number does that match up with
21 then in Table 2?
22 A That matches up with the 57,246.
23 Q All right. So that's what you were trying to get
24 as close to as you could?
25 A Well, I used the 57,246 as a benchmark number, and

51

1 my allocation has gotten me very close to it but
2 not as close as it might be, somewhat short of it.
3 So I reviewed my allocations and said are there
4 any places where I may have underestimated by
5 eyeballing the fraction. Then you will see -- for
6 example, if you look at the split tracts for AD 8,
7 the Tract 163 where I had originally said .1 and
8 then I changed it to .15 -- in reviewing that, it
9 appeared to me that I had perhaps underestimated
10 it and therefore that would account for some of
11 the disparity between the 57,246 benchmark from
12 the census and the initial 54,010. So I went
13 through and again sought to refine my allocations
14 recognizing that there may have been some tracts
15 where I had slightly underestimated the fraction
16 for AD 8 and made the adjustments. As you can
17 see, I think they're all adjustments in an upward
18 direction. I essentially said where have I
19 perhaps underestimated the fractions slightly, and
20 it's typically in a case where there's a tiny
21 sliver somewhere but the sliver is perhaps a bit
22 larger than it looked. So I made those
23 adjustments. Then you can see that in my
24 handwriting where you see the line on the center
25 of the page in large bold type that says Census

52

1 Tracts Split Within AD 8, you can see that I had
 2 an initial number that was -- I was coming up with
 3 numbers 52,613, 53,177. Those were numbers that I
 4 felt were understating the true population, and I
 5 then got -- I think that was the point at which I
 6 made some corrections and got to 54,010. 54,010
 7 was still below the benchmark, so I went through
 8 and said where are my allocations possibly
 9 understating things and in the upper right-hand
 10 corner of the page you're looking at I finally --
 11 I guess I did get it up to 55,13 something.
 12 Q All right. Now, in Table 2 the total population
 13 all ages within AD 8 that's listed is 57,246. Do
 14 you see that number?
 15 A Yes.
 16 Q Where does that number come from?
 17 A That number comes from the data that -- I referred
 18 in the footnote to data furnished by
 19 Joseph Handrick of the Reinhart law firm. I can
 20 tell you where that is on the thumb drive now.
 21 Q Okay.
 22 A When you get around to that.
 23 Q Since we're there now, it probably is easier to
 24 do.
 25 A Okay.

53

1 Q Where is it on the thumb drive?
 2 A Okay. This is referring specifically to the data
 3 that are shown in my initial report, Table 2, the
 4 two right-hand columns, Assembly District 8 and 9.
 5 Those columns of data derive from a file that is
 6 in a folder in your thumb drive labeled
 7 Redistricting Data.
 8 Q Just for the record, we have got copies of the
 9 flash drive. This is the flash drive for the
 10 record that's been marked as Exhibit 50 that was
 11 produced this morning?
 12 A Correct.
 13 Q I'm sorry, Dr. Morrison, the name of the subfile
 14 is?
 15 A The subfile -- if you go into the folder called
 16 Redistricting Data -- do you see that?
 17 Q Yes, I do.
 18 A Go into that, and you will see something called
 19 ACT 43 Demographics.
 20 Q Okay.
 21 A Do you see that?
 22 Q I do.
 23 A All right. That was furnished to me by the
 24 Reinhart law firm. I don't know if they furnished
 25 it to me or if they said go to the website where

54

1 you can download this, but that is the document
 2 from which I obtained these data.
 3 Q I understand that Mr. Handrick furnished it to
 4 you. Do you know where that data came from, where
 5 Mr. Handrick got it?
 6 A My understanding is that the data are official
 7 data. I can't tell you what official means in
 8 that context, but it's the data one wants when
 9 you're talking about what are these districts for
 10 the record. Somebody has put it together, and I
 11 don't know if it's the official count of
 12 population, but it's -- I asked for the official
 13 data for the districts as enacted, and that's my
 14 understanding of what they are.
 15 Q And you anticipated my next question. You said
 16 someone has put it together. I was going to ask.
 17 Do you know who compiled that data or how it was
 18 compiled?
 19 A I don't. I don't. My understanding, though, is
 20 that it's not something that was compiled for me.
 21 My understanding is as a matter of public record
 22 that those are the official data.
 23 Q When you say the official data, that would be
 24 coming from the Census Bureau or it would it be
 25 coming from some other agency?

55

1 A It would be census data put together by someone in
 2 Wisconsin who has documented for the record what
 3 is the official population of these districts from
 4 a legal standpoint as enacted.
 5 Q I see.
 6 A That's my understanding of what those data are.
 7 Q I see. When did Mr. Handrick give those files to
 8 you?
 9 A I can only say early on. It would have been -- it
 10 may show on the date there when they were saved if
 11 you can --
 12 Q The date that shows on mine when I hover my mouse
 13 over it just says Modified 12/9/2011 5:00 p.m.
 14 A Then it would have been somewhere -- probably
 15 somewhere in early December I got it.
 16 Q Actually, there are two different files with that
 17 name on here. One says 12/2/2011 and one says
 18 12/9/2011.
 19 A Okay. I would have gotten it on 12/2. I think it
 20 may have been either an xls file and then I saved
 21 it as anxlsx file or something. The earlier date
 22 would be approximately when I received it.
 23 Q I think you have explained the discrepancy there
 24 between the names. It looks like there are
 25 different icons, so one is just different versions

56

1 of the Microsoft software?
 2 A That's correct.
 3 Q All right. We were just comparing the 33,941
 4 number that you had in handwriting. I'm sorry.
 5 The 54,010 number to the 57,246, and then that got
 6 revised up to 55,13 something, correct?
 7 A Correct.
 8 Q And the 55,13 something number, is that the final
 9 number that you used for your calculations?
 10 A I believe that was the final number that I used to
 11 judge the accuracy of my allocations as offering a
 12 very close approximation to what the true census
 13 numbers were.
 14 Q All right. Now, underneath those numbers that we
 15 were just looking it said 62.8 percent H Total and
 16 that got scratched out and 62.1 was written in.
 17 What is that number?
 18 A I suspect -- actually, I would have to speculate
 19 here. I don't know if you want me to speculate.
 20 Q To the best of your recollection.
 21 A All right. I can tell you that all of these
 22 preliminary numbers where I've crossed out one
 23 number and put in another number are my efforts to
 24 improve the close geographic approximation. So I
 25 would have been calculating on a preliminary

57

1 basis. If I had a better approximation of the
 2 district by altering the splits, how would it
 3 change the Hispanic share of the population.
 4 Whatever the comparison was there between the 62.8
 5 and 62.1, I was satisfied that it made virtually
 6 no difference in the Hispanic share. Had it gone
 7 down from 68.2 to 55 something, I would be
 8 concerned that there was a piece of geography that
 9 I had moved that had an enormous number of one
 10 group in it and that one would be arbitrarily
 11 moving territory without being aware of what was
 12 going on. So that was, again, just a check on the
 13 accuracy of my procedure.
 14 Q As you were going through these calculations and
 15 making some of the changes, did you have anybody
 16 who was working with you that you were bouncing
 17 ideas off of that was doing any checks on your
 18 calculations?
 19 A No.
 20 Q Did you have input from anybody else as you made
 21 the calculations themselves?
 22 A No. None whatsoever.
 23 Q Now, underneath the 62.1 percent H Total you have
 24 got -- it says 2006-10. What does that indicate?
 25 A That refers to the Hispanic citizen voting

58

1 population, the Hispanic share of the citizen
 2 voting age population, based on the American
 3 Community Survey five-year file.
 4 Q So the Hispanic citizen voting age population is
 5 one that you're calculating using the ACS data
 6 from 2006 to 2010; is that correct?
 7 A Correct.
 8 Q And the total population numbers that you are
 9 taking for AD 8 and AD 9, do you know whether
 10 those were based on ACS data?
 11 A I'm sorry. Could you repeat the question.
 12 MR. POLAND: Could you read it
 13 back.
 14 (Question read)
 15 A No. The total population numbers are not based on
 16 ACS data. They would be based on a total census
 17 enumeration for each of the census tracts.
 18 Q And that was 2010 data, correct?
 19 A Correct.
 20 Q Now, below that you have written in Adjusted, or
 21 ADJ, which I assume is adjusted, Percentage HCVAP.
 22 I assume that's Hispanic citizen voting age
 23 population, correct?
 24 A Correct.
 25 Q And you have got 10,816 and it looks like you

59

1 divided by 2,641 and then there's some number
 2 after that that appears to be cut off on the copy
 3 that I have.
 4 A Right.
 5 Q What are those numbers?
 6 A Those numbers, the 10,816 divided by 26,4 cut off,
 7 are the numbers that are shown in Table 2 of my
 8 initial report in the center of the table on the
 9 column labeled Assembly District 8 where I've
 10 shown the American Community Survey data. In that
 11 table, Table 2, I show 26,440. That would be the
 12 denominator, and 10,816 as the Hispanic number of
 13 the citizen voting age population. So what I have
 14 shown highlighted here on the page we're
 15 discussing with all of the data and the checkmarks
 16 is the number of Hispanics among the citizen
 17 voting age population. According to the ACS those
 18 are the numbers that are shown and the numbers
 19 crossed out appear to be the numbers that I had
 20 accumulated based on aggregating the census tracts
 21 wholly and partly using my allocation formula. To
 22 the best of my recollection what I was doing here
 23 was establishing that the Hispanic share of the
 24 citizen voting age population was 41.7 percent by
 25 my eyeball method aggregating things and it should

60

1 agree closely with the 40.9 percent which is what
 2 was shown in the Assembly District 8 population
 3 according to the source that I got from Joseph
 4 Handrick.
 5 And I would mention just for the record and
 6 keeping in mind that for Assembly District 8 the
 7 data from Joseph Handrick would themselves have
 8 been based on the ACS data, so they are based on a
 9 five-year -- I believe they're a five-year
 10 estimate from ACS. So the fact that my 41.7 was
 11 very close to 40.9 reassured me that my allocation
 12 was very close to being perfect.
 13 Q I'm going to come back and ask you again
 14 just to -- so the 10,816 number, which is both in
 15 your handwritten notations in Exhibit 49 and then
 16 also in Table 2, -- that is a number that came
 17 from the spreadsheet that you got from
 18 Mr. Handrick; is that correct?
 19 A That is correct.
 20 Q And you believe that was taken or you know that
 21 was taken from ACS data?
 22 A That's the only place he could have gotten it or
 23 that's the only place that anyone could have
 24 gotten it. Whoever assembled those data would
 25 have gotten it from that source.

61

1 Q Why do you say that's the only place that he could
 2 have gotten it?
 3 A Because the Census 2000 did not ask a question on
 4 citizen voting age population.
 5 Q All right. But did the 2010 census ask those
 6 questions?
 7 A No. They do not. The 2000 census did, but not
 8 the --
 9 Q But not the 2010? I maybe I misheard you on that.
 10 A Correct.
 11 Q The 10,816 number that was in the spreadsheet
 12 Mr. Handrick gave you, do you know, was that
 13 extracted from some specific data within the ACS
 14 or was there anything that was done to that to
 15 change it somehow or alter it?
 16 A I don't know. I just want to add for the record
 17 that as I look at this number where I've said
 18 citizen -- the center portion, the center rows,
 19 block of rows of data in Table 2 where we're
 20 talking about now the citizen population 18 and
 21 older, CVAP -- I don't know whether the data shown
 22 here are the data that I derived from
 23 Joseph Handrick's document or whether I got these
 24 directly myself from the American Community
 25 Survey. The footnote below -- I could resolve

62

1 this by simply looking at that spreadsheet. I
 2 don't have it before me. Some of the data, the
 3 data for Wisconsin, the column labeled Wisconsin,
 4 and the column labeled Milwaukee County, were data
 5 that I had assembled from the 2006 to 2010 ACS.
 6 Those are footnoted in the source. The footnoted
 7 source that says Excel File of Assembly District
 8 Population Composition Furnished by Handrick -- to
 9 the best of my recollection it is those data that
 10 are shown in the columns Assembly District 8 or
 11 Assembly District 9. But if those data do not
 12 exist in the data that Handrick furnished, then I
 13 would want to say for the record that I must have
 14 gotten them directly from the ACS myself.
 15 Q Just to make sure we get this right on the record,
 16 let me just pull up that file. I've actually got
 17 it pulled up here.
 18 A All right.
 19 Q I don't know if you want to take a look at it on
 20 my computer.
 21 MR. EARLE: Can we go off the
 22 record for a second.
 23 MR. POLAND: Sure.
 24 A I think it would be best if we resolve it now so I
 25 can answer your question for sure.

63

1 MR. POLAND: Let's go off the
 2 record.
 3 (Recess)
 4 Q Dr. Morrison, just before we broke we were looking
 5 at a number that appears both in Table 2 of your
 6 report that's Exhibit 32 and also it's in
 7 handwriting on one of the pages of Exhibit 49.
 8 That's the number 10,816. Do you recall our
 9 discussions about that number?
 10 A Yes, I do.
 11 Q And I had asked you where that number comes from,
 12 how it was derived. Do you recall our discussion
 13 about that?
 14 A Yes.
 15 Q And we have looked at some documents here off the
 16 record as we took a break. Are you able to show
 17 me now based on the documents that were produced
 18 where that number came from?
 19 A Yes. The numbers we're referring to are numbers
 20 that I must have calculated myself based on 2006
 21 to 2010 ACS data because they do not appear in the
 22 Excel file furnished by Joseph Handrick. I
 23 believe they will be somewhere in the documents
 24 that if you scroll ahead in the hard copy --
 25 actually, lift up the two things you just had

64

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 there. Lift the whole thing up. Does that say
2 2006 2010 ACS?
3 Q I do see that.
4 A Okay. There are some data -- the page that we're
5 referring to here has in the upper left-hand
6 corner 2006 2010 ACS, and then at the bottom I've
7 got written in handwriting Whole CTs. The name of
8 the file is ACS -- I should say the name of the
9 file below the spreadsheet, which is how you would
10 be able to locate it among my spreadsheets, says
11 ACS 2006 2010 Analysis.xlsx. I believe that that
12 is the full Excel spreadsheet of which this is
13 just a single page printed out that will have all
14 of the calculations that went into developing the
15 citizen voting age population data from the ACS.
16 That spreadsheet should have all of the
17 calculations in it.
18 Q So the 10,816 number, if we look at that -- if we
19 look at the page that you were just talking about,
20 which is the 2006 to 2010 ACS table, that's a
21 printout of a portion of the spreadsheet you
22 mentioned. We don't see that number on this page;
23 is that correct?
24 A Correct. You don't see it on that page, but that
25 number would you have derived from the analysis

65

1 contained in that spreadsheet of which there are
2 probably many more pages and I believe several
3 sheets in the spreadsheet itself.
4 Q So that number then came from your analysis of
5 five years of the ACS data?
6 A Correct. That's what I wanted to clarify. It
7 came from my analysis not from the file furnished
8 by Joseph Handrick.
9 Q And the ACS data that it was based on, that ACS
10 data was collected between 2006 and 2010?
11 A That is correct.
12 Q Does that data pertain to any particular
13 geographic area?
14 A Yes. The data that are in the spreadsheet file
15 are for census tracts.
16 Q So for tracts as opposed to blocks, correct?
17 A Correct.
18 Q And then as far as geographic areas is concerned,
19 is it the whole United States? Is it Wisconsin?
20 Is it Milwaukee County?
21 A I believe it is -- when I say it, I'm referring to
22 the spreadsheet. I believe that spreadsheet
23 refers just to the census tracts that are wholly
24 or partly within Assembly District 8 or Assembly
25 District 9. That's my recollection.

66

1 MR. EARLE: I hate to ask, but
2 could we have -- we're talking about this,
3 right?
4 THE WITNESS: There are several
5 pages that look like that.
6 MR. EARLE: Could we have this
7 marked as a separate exhibit so it's readily
8 available in the transcript without thumbing
9 through the whole thing relative to this
10 discussion.
11 MR. POLAND: Sure. Why don't we
12 mark it as 49-A. Does that make sense?
13 MS. LAZAR: Are you talking just
14 that one page?
15 MR. POLAND: Yes.
16 MR. EARLE: Thank you.
17 (Exhibit No. 49-A marked for
18 identification)
19 Q Dr. Morrison, I'm handing you a sheet that the
20 court reporter has marked as Morrison
21 Exhibit 49-A.
22 A Correct.
23 Q Can you identify that for the record, please.
24 A Yes. That is a printout of a portion of the
25 spreadsheet that is contained on your thumb drive

67

1 that I turned over. It is in the file entitled
2 ACS 2006 2010 Analysis.xlsx. It says Page 1.
3 Q And that was a portion of the documents you
4 brought with you this morning, correct?
5 A Correct.
6 Q And the full spreadsheet is on the thumb drive
7 that was turned over this morning?
8 A That's correct.
9 Q All right.
10 MS. LAZAR: You can put that back
11 where it was in order.
12 Q The denominator in the calculation in your
13 handwriting on the page that has the census tracts
14 entirely within AD 8, that number is 264 and then
15 it was cut off. Is it your recollection that that
16 corresponds to the 26,440 number in your Table 2?
17 A That's correct.
18 Q And that number also is one that you would have
19 derived from the ACS data?
20 A That's correct.
21 Q It would also be contained in the spreadsheet we
22 were just discussing?
23 A Yes.
24 Q So then your 40.9 percent calculations that you
25 had made in handwriting there is just the division

68

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 of the 10,816 into the 26,440?

2 A Correct.

3 Q I would like to try to continue to move through

4 the documents here that are produced.

5 MS. LAZAR: Before you do that, we

6 wanted to go back. You had asked us during

7 the first break to identify where three pages

8 came from, and we can give you that

9 information now.

10 MR. POLAND: That's right.

11 Q The bottom of the page again reads Wisconsin

12 stp76-55.xls?

13 A Correct. Where you will find that on the thumb

14 drive is in a folder entitled 2000 Census Data.

15 And within that folder you will see a file

16 entitled stp76055.xls.

17 Q All right. Terrific.

18 MS. LAZAR: That's the first one.

19 THE WITNESS: That's the first one.

20 MS. LAZAR: I get that back.

21 A And then there's one that says Fix Line above it.

22 Q Yes.

23 A That one is contained in a folder entitled

24 Redistricting Data, and the file itself is ACT43

25 Demographics.XLS.

69

1 Q Now, that was a file that you got from

2 Mr. Handrick, is that correct, or am I

3 misunderstanding?

4 A No. I do not believe so. I believe this is a

5 file that built off of my analysis of the American

6 Community Survey. Again, in the footnote it makes

7 reference both to the 2010 American Community

8 Survey and the 2006 to 2010 American Community

9 Survey as well as to the spreadsheet furnished by

10 Joseph Handrick. But I do not believe that any of

11 the Handrick information is contained in this

12 spreadsheet, the one that's called Demographic

13 Accounting Model Juvenile Aging.

14 Q Maybe I misunderstood. I thought your testimony

15 before was that the Act 43 Demographics Excel

16 spreadsheet that you produced today -- that that

17 was something that had been given to you by

18 Mr. Handrick.

19 A No. The Act 43 -- actually, I think we're getting

20 things confused here. The document we're looking

21 at here that says Fix Line which -- the question

22 to me was originally is this on the thumb drive.

23 The answer is yes.

24 Q Okay.

25 A And, actually, let me just say if it's not in

70

1 the -- I don't know why I put down here ACT 43

2 Demographics. If you do not find it there, you

3 will find it in the Demographic Accounting Model

4 folder. That should be where it is.

5 Q Let me just see. As I look at the files that are

6 in the Demographic Accounting Model file, I see

7 one called Demographic Accounting Model and I see

8 one called Hispanics' Share of Under and Over 18

9 CZN Pop.

10 A Okay. Open up the Demographic Accounting Model,

11 and what you may see is two sheets, one of which

12 is labeled Juvenile --

13 Q I see.

14 A That's where that piece of paper comes from.

15 MR. EARLE: What's it labeled?

16 THE WITNESS: Demographic

17 Accounting Model - Juvenile Aging.

18 Q It's one of the tabs. You have got the Demo

19 Accounting Model Mortality --

20 A Correct.

21 Q -- and then Juvenile Aging are both there within

22 that?

23 A And the piece of paper that you have got in your

24 hand that you're looking at -- you should see that

25 on your screen.

71

1 Q A printout of that. All right. I see. I

2 understand that. Do you recall which of the data

3 from the Demographic Accounting Model Juvenile

4 Aging table that you put together, which of that

5 data came from Mr. Handrick?

6 A The data in the juvenile aging model would have

7 come exclusively from my analysis of the American

8 Community Survey data and none of them from the

9 Handrick data.

10 Q All right. So what I'm trying to understand is

11 you have got the note there in the bottom of that

12 page that says Excel File of Assembly District

13 Population Composition Furnished by

14 Joseph Handrick Reinhart Law Firm.

15 A That is a footnote. That is a source that got

16 carried over from an earlier spreadsheet. In

17 other words, that source does not belong as a

18 source in the Demographic Accounting Model

19 Juvenile Aging.

20 Q All right. So if I scratched that off --

21 A Cross that off.

22 Q There's nothing in there.

23 A That's right.

24 Q Just to make sure that I was correct on the record

25 and with my recollection of your testimony, one of

72

1 the files that you had produced to us here today
 2 was the Act 43 Demographics Excel spreadsheet that
 3 we had talked about before?
 4 A Correct.
 5 Q And that was provided to you by Mr. Handrick?
 6 A That is correct. Either provided to me or he gave
 7 me the link where to go for it.
 8 Q Understood. All right. And then there was one
 9 more document that you were going to take a look
 10 and see if it was on the thumb drive.
 11 A Right. This is the one -- the top line says
 12 Record Layout for Special Tabulation 76. This is
 13 not on the thumb drive. It is simply a one-page
 14 document that you have only in hard copy form with
 15 my notation on it.
 16 MR. EARLE: That's the one we
 17 talked about earlier.
 18 THE WITNESS: Right.
 19 MS. LAZAR: Those were the three
 20 that you had inquired about and that
 21 Dr. Morrison looked at during the first
 22 break.
 23 MR. POLAND: Right.
 24 Q If I recall your testimony about this special
 25 tabulation data, you had used it to calculate the

73

1 Hispanic share of citizen voting age population
 2 for Wisconsin and Milwaukee County; is that
 3 correct?
 4 A Based on 2000 census rather than 2010 census.
 5 Q You just mentioned that it's not on the thumb
 6 drive. Is this data that's been given to us or
 7 produced to us in any form?
 8 A Yes. There is an Excel spreadsheet that will
 9 be -- it will have a label that says stp. It will
 10 say -- I think it's stp76. Somewhere in there you
 11 will find a spreadsheet. I'm not sure which
 12 folder it's in. It should be in the 2000 census
 13 folder. If there's a Census Data 2000 --
 14 Q There is.
 15 A Open that up and see if there's --
 16 Q There is an stp76-55 and a Wisconsin stp76-55.
 17 A Those are the two that I worked with.
 18 Q Those are the two that you worked with?
 19 A Right. And this single piece of paper is the
 20 record layout for those databases.
 21 Q All right. So the databases themselves are
 22 actually within the material you produced to us?
 23 A Correct.
 24 MS. LAZAR: If you can try to make
 25 sure that Mr. Poland finishes his question.

74

1 You're crisscrossing for the court reporter.
 2 THE WITNESS: Sorry.
 3 MS. LAZAR: Not a problem.
 4 Q Dr. Morrison, in the Act 43 Redistricting Data
 5 Spreadsheet --
 6 MS. LAZAR: On the thumb drive?
 7 MR. POLAND: It's on the thumb
 8 drive, yes. Act 43 Demographics.
 9 Q There is a reference to a person named
 10 Ryan Squires. It's not actually in the
 11 spreadsheet itself. Let me pull it up here. If I
 12 hover my cursor over the file itself, it says
 13 Author Ryan Squires. Do you know who Ryan Squires
 14 is?
 15 A I've never heard of a Ryan Squires.
 16 Q I would like to turn your attention now to in
 17 Exhibit 49 there's a paper clipped group of
 18 documents. The next one on the bottom says 2010
 19 Combined for Calculating Non-H and there's some
 20 handwriting up at the top, City of Milwaukee.
 21 A Correct.
 22 Q What is that document?
 23 A This is a printout and some additional
 24 calculations, a printout of data from the Census
 25 Bureau, that reports voter registration and voter

75

1 turnout by race and Hispanic origin for the
 2 United States as of the November 2010 election.
 3 Q This is data that you obtained from the Census
 4 Bureau?
 5 A Yes.
 6 Q Did you obtain this data or was this given to you
 7 by somebody else?
 8 A No. I downloaded it directly myself.
 9 Q How did you use this data in your analysis?
 10 A First I believe I included a portion of this at
 11 the end of my rebuttal report to illustrate the
 12 kind of data that are available to perform an age
 13 standardized adjustment to registration rates.
 14 Secondly, I actually performed that age
 15 standardization a few days ago. I'm not sure if I
 16 have the results here or not.
 17 Q So this particular document that we are looking at
 18 here, and up at the top it says within the table
 19 itself Table 2 Reported Voting and Registration by
 20 Race, Hispanic Origin, Sex, and Age for the
 21 United States November 2010; is that correct?
 22 A That's correct.
 23 Q This is something that you used for your rebuttal
 24 report?
 25 A Yes. These are the source data for -- these are

76

1 the source data that I referred to in my rebuttal
 2 report and they are the source data that I
 3 actually used following submission of my rebuttal
 4 report to perform the age standardization and I
 5 believe the calculations are contained within the
 6 documents that I turned over to you somewhere
 7 herein.
 8 Q All right. This is not a document that you used
 9 in preparing your first report, your initial
 10 report of December 14th; is that correct?
 11 A No, it is not.
 12 Q All right. Let's turn to the next page of this
 13 group of paper clipped documents. Up at the top
 14 the document states Other Reports Census Bureau,
 15 and at the bottom it looks like it was printed on
 16 January 5, 2012. It refers to other reports, P23
 17 Reports, and some other things. Can you identify
 18 this document, please.
 19 A Yes. This is a printout of other information that
 20 the Census Bureau offers on its website relating
 21 to voter registration and turnout.
 22 Q And how did you use this particular page that you
 23 have printed out here?
 24 A I didn't use it at all. I simply wanted to keep
 25 it in my file in case I needed to go back and look

77

1 at other elections.
 2 Q So you did not actually go and look at any of the
 3 reports that are identified on that page?
 4 A I did not, no.
 5 Q If you look to the next page, there's a printout
 6 up at the top that says Voting and Registration in
 7 the Election of 2010 - Tables - Census Bureau, and
 8 there are some handwritten notations on this
 9 document. Can you identify this for me.
 10 A Yes. This is an additional printout of what --
 11 the first page that you're looking at labeled 2010
 12 in handwriting at the top is a printout of all of
 13 the detailed tables that the Census Bureau has
 14 available on its website pertaining to the 2010
 15 election, the November 2010 election. I had
 16 circled certain tables for certain purposes. The
 17 Table 2 which is circled, the Reported Voting and
 18 Registration, is I believe the one that we just
 19 discussed that I said I had used to perform the
 20 age standardization analysis. And then there are
 21 other tables that I have circled that -- in the
 22 case of Table 4b, I had circled it for possible
 23 use in another lawsuit that I'm involved in that I
 24 might be involved in. It gives information at the
 25 state level. Then I have another table, 11,

78

1 circled and starred as one to take a look at again
 2 in case I ever want to refine the age
 3 standardization analysis that I did.
 4 Q So the Table 2 that you had circled is one that
 5 you relied on for your age standardization
 6 analysis in your rebuttal report; is that correct?
 7 A It's for the age standardization that I said could
 8 be done in my rebuttal report, and then following
 9 completion of my rebuttal report it is the table
 10 that I used to actually perform the age
 11 standardization after submitting the rebuttal
 12 report.
 13 Q Do you have a printout of what you did on the age
 14 standardization after you finished your rebuttal
 15 report?
 16 A Yes. I do have it somewhere in here. I don't
 17 know exactly where it is.
 18 Q We will come to it in other words?
 19 A We will come to it.
 20 Q So you will identify it for me when we get there?
 21 A Yes.
 22 Q Terrific. I don't want to bog us down with that
 23 now. I want to make sure I understand what we're
 24 looking at and dealing with. You mentioned table
 25 4b. You circled that because it might be of use

79

1 to you in some other litigation that you might be
 2 involved in?
 3 A Yes.
 4 Q It says AZ there. Is that Arizona redistricting
 5 litigation?
 6 A It has to do with Arizona. I'm not sure if it's
 7 redistricting. It has to do with Arizona, yes.
 8 Q Are you doing some work potentially in Arizona
 9 that is similar to the work that you are doing in
 10 this case?
 11 A I haven't been retained by anybody in Arizona yet.
 12 It's anticipating that I might be.
 13 Q And then finally you circled Table 11. That's
 14 something that you might be interested in using
 15 but haven't yet used it. Is that fair to say?
 16 A I see Table 10 circled, 10, 12 and 13. Are you
 17 talking about on the second page?
 18 Q No. I'm talking about on the page that has 2010
 19 in handwriting on the top.
 20 A I'm sorry. Yes. Table 11. I have that circled,
 21 and my recollection is I circled that just because
 22 I wanted to take a look at it because it does not
 23 refer to distinctions by age so it's not going to
 24 be helpful for age standardization. I think I
 25 circled it as one to look at and then having

80

1 looked at it I decided that it was irrelevant.
 2 Q All right. So you did not rely on that in any
 3 way?
 4 A I did not rely on Table 11, no.
 5 Q All right. The next page then you have got a
 6 handwritten 2008 up at the top.
 7 A Correct.
 8 Q It looks like it's two pages that are stapled
 9 together. You have a number of these tables that
 10 are circled as well, correct?
 11 A Correct.
 12 Q So Table 2 is circled and you have got written
 13 next to that it looks like For FAA.
 14 A It's For PAA. What I had in mind there was it was
 15 a table that I could use for a professional
 16 presentation I'm going to make in the late spring
 17 at the annual meeting of demographers. This one
 18 on the 2008 page is simply the same Table 2 for
 19 2010, but it would refer to the presidential
 20 election of 2008. I circled that in order to
 21 remind myself that if I needed to do it for that
 22 election I had the same data available.
 23 Q Did you use the 2008 Table 2 for any of your work
 24 in your rebuttal report in this lawsuit?
 25 A No.

81

1 Q You have other tables that are circled there as
 2 well, 4a, 4b, Table 10, Table 12, Table 13. Did
 3 you use any of those tables in your work in your
 4 rebuttal report in this lawsuit?
 5 A I did not.
 6 Q Did you use them in your work in this lawsuit?
 7 A In no way whatsoever.
 8 Q Let's set that to the side. I would like to go to
 9 the next page. The next page at the bottom says
 10 DemoAcctgModel-Mortality. Do you see that?
 11 A Yes.
 12 Q What is this page?
 13 A This is a page that documents my calculations of
 14 survivorship by age and arrives at a factor for
 15 projecting the future voting age population based
 16 on the differential mortality of Hispanics and
 17 non-Hispanics.
 18 Q Now, this I believe is something that was
 19 previously produced to us. I want to mark just
 20 quickly here two documents that we will take a
 21 look at. First of all, I'll mark this as a
 22 separate exhibit although I think this was
 23 actually contained in the documents you produced.
 24 (Exhibit No. 51 marked for
 25 identification)

82

1 Q Dr. Morrison, I'm handing you a copy of a document
 2 that the court reporter has marked as Exhibit 51.
 3 Do you see that?
 4 A Yes.
 5 Q I believe this is a document that we saw in the
 6 materials that you produced this morning, correct?
 7 A Correct.
 8 Q This is a December 22 letter from me requesting
 9 certain material pertaining to your expert report
 10 and other expert reports?
 11 A Yes.
 12 Q I want to hand you as well a follow-up document.
 13 MR. POLAND: Let's mark this one.
 14 (Exhibit No. 52 marked for
 15 identification)
 16 Q I'm going to hand you a document that's been
 17 marked as Exhibit No. 52. I would ask you to take
 18 a look at that for a minute or for as long as you
 19 need to to see if you have seen it before.
 20 A Yes. I can see that this is incorporating the
 21 responses that I sent in saying here is what I
 22 have in response to the questions posed in
 23 Exhibit 51. And these have been incorporated now
 24 into Exhibit 52.
 25 Q So just to make sure we have the sequence here,

83

1 you received Exhibit 51. It asked for the
 2 production of some materials pertaining to your
 3 expert report tendered on December 14th, correct?
 4 A Correct.
 5 Q And one of the counsel of the defendants
 6 transmitted that to you and as a result you gave
 7 them some materials, correct?
 8 A That's correct.
 9 Q And then in Exhibit 52 we see that on
 10 December 28th Mr. Kelly is transmitting some of
 11 those materials to me, correct?
 12 A That's correct.
 13 Q Now, if we turn to the Tab Number 1 under
 14 Exhibit 52 --
 15 A Yes.
 16 Q Do you see down at the bottom that says
 17 DemoAcctgModel-Mortality?
 18 A Yes.
 19 Q Is that the same as the table that you produced
 20 here today?
 21 A It should be except that it looks like one of the
 22 columns is not wide enough to show the number.
 23 Let me just -- I think you see the one I'm
 24 referring to at the bottom there.
 25 Q Actually, I don't.

84

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 MS. LAZAR: You're referring to a
2 table in Exhibit 49?
3 MR. POLAND: I am. Thank you,
4 Maria.
5 Q I'm referring to a table in 49 which are the
6 documents produced this morning. For the record,
7 this is the printed page that says
8 DemoAcctgModel-Mortality and there are some
9 handwritten notations on it as well.
10 MS. LAZAR: Here. This wasn't
11 paper clipped. That's by itself.
12 THE WITNESS: Right.
13 A Just so there's no ambiguity, the one that has my
14 handwriting on it -- if you compare that to Tab
15 No. 1 -- if you look at Tab No. 1, toward the
16 bottom, Age 18 you will see some hash marks in one
17 of the cells.
18 Q Yes.
19 A If you want to -- just for the record, the hash
20 marks, if you were to widen the column, would show
21 that the number is 10.32 percent.
22 Q I see. Okay. All right.
23 A So that's cleared up. I'm now looking at the
24 document with the handwritten notes on it.
25 Q Yes. In Exhibit 49.

85

1 A In the upper right.
2 Q Yes.
3 A And your question?
4 Q So you state at the top, "Be sure to proof," and
5 it says, "Survival rates pre depo." Do you see
6 that?
7 A Yes.
8 Q What does that indicate?
9 A When I performed the analysis, I had not yet
10 double-checked all of the input data against the
11 source data from the United States life tables.
12 The checkmark above on the right-hand side
13 indicates that I did proof it and I noted two
14 small corrections which are written in in the
15 bottom right-hand corner where I've changed the
16 number 605,054 to 605,044 and below it the number
17 122,516 corrected to 122,505. Those are the
18 corrections that I detected having double-checked
19 the numbers.
20 Q I assume that since your percentages didn't change
21 or you didn't handwrite any percentage changes in
22 there in the 11.71 percent or the 4.60 percent
23 that those two revisions you made that are
24 reflected in handwriting did not change those
25 percentages?

86

1 A That's what the checkmarks to the right indicate,
2 yes.
3 Q How did you use this particular mortality model in
4 your analysis?
5 A All right. The source of the data that are shown
6 in the center block of columns entitled Five-Year
7 Survival Rate derive from a publication which I've
8 also enclosed which is entitled United States Life
9 Tables by Hispanic Origin. The data that I used
10 derive from Page 12 of that table or that
11 publication and those data are entered into the --
12 they are entered into calculations that are shown
13 in the cells of the Five-Year Survival Rate
14 columns. So I have entered in the official life
15 table survival rates, survival proportions, under
16 the Hispanic and the non-Hispanic White columns
17 and I have shown what percentage of a given group
18 survives another five years into the future.
19 Q So what I've got open in front of me now are the
20 United States Life Tables by Hispanic Origin which
21 is a paper that you produced this morning and I
22 believe also is attached to Mr. Kelly 's
23 December 28th letter that's Exhibit 52.
24 A It should have been.
25 Q At Tab 2?

87

1 A Yes. That's correct.
2 Q All right. And then I also have opened in front
3 of me this printout of your Demographic Accounting
4 Model - Mortality table. I would like you just to
5 walk me through here so I understand it, how you
6 derive these numbers that are in your mortality
7 table from the paper on Page 12.
8 A All right. If you go to the left-hand column
9 under Milwaukee County entitled Hispanic and you
10 read down to the row that says 40 to 44, you see
11 the number 7,589. Those are 7,589 Hispanics in
12 Milwaukee County of whom 99.11 percent will still
13 be alive five years later.
14 MR. POLAND: We're going to have to
15 take a break here because we have to change
16 the tape.
17 (Recess)
18 Q Dr. Morrison, when we left off before our break,
19 we were looking at the printout of your
20 demographic accounting model, the mortality table
21 or printout from it. Do you recall that?
22 A Yes.
23 Q All right. That was a page that you produced this
24 morning with some handwritten notes on it. It's
25 in Exhibit 49, or, for the purpose of the

88

1 questions I'm going to ask you, you can look at
2 the Exhibit 52, the printout of it that's behind
3 Tab 1. Either one way is just fine. I was asking
4 you about that document also in connection with
5 the report that you had produced, the
6 United States Life Tables by Hispanic Origin, and
7 we were looking specifically at Table H in that
8 document. Do you recall that?
9 A Correct. I do.
10 Q I'm going to ask if you can have those two
11 documents out in front of you.
12 A I'm all set.
13 Q Terrific. So on the mortality spreadsheet that we
14 have here, I had asked you how you used the data
15 within Table H in this spreadsheet, and I think
16 you had begun to tell me about that. We might
17 have to go over some of this ground here, but you
18 had led me to the row in the mortality portion of
19 the model that had the 40 to 44 years data I
20 believe?
21 A Yes.
22 Q All right. Could you just explain that to me
23 again.
24 A Sure. If you look in the column under Hispanic
25 Total on the row that is Age 40, you will see the

89

1 number 97,048, and below that on the row labeled
2 Age 45 you will see 96,187. The way one reads
3 this is that of 97,048 Hispanics age 40 the
4 mortality table shows that 96,187 of them will be
5 alive five years later. If you divide the 96,187
6 by the 97,048, you will come up with I believe a
7 fraction that is .9911 if I'm looking at the
8 correct rows here. It's either those two rows or
9 moving down one row. But in any case, what that
10 says is -- if you look at my spreadsheet where
11 I've got the five-year survival rate as .9911,
12 what that says is that 99.11 percent of Hispanics
13 40 to 44 years of age will be alive five years
14 later. If you look at the spreadsheet and go down
15 from 40 to 44 to 45 to 49, so you're going from
16 .9911 to .9867 to .9798, you can see the
17 successive changes in survival rates as age
18 increases. So as you refer to an older age group,
19 the progressively older age groups, the survival
20 rates are progressively higher.
21 Q Now, in the same row in your mortality spreadsheet
22 you have numbers for Milwaukee County, correct?
23 A Correct.
24 Q So for Hispanic you have got 7,589?
25 A Yes.

90

1 Q Where does that number come from?
2 A That number comes from the 2010 census. The
3 sources at the bottom of this are SF1 Tables P12H
4 and PCT12.
5 Q Now, I noticed that you mentioned that's the 2010
6 census. It appears that Table H in the
7 publication itself identifies the data as being
8 from 2006; is that correct?
9 A That's correct.
10 Q Is there a problem mixing and matching the data
11 from 2010 and the data from 2006?
12 A No. Not for the purpose I have at hand.
13 Q And why is that?
14 A First of all, the 2006 mortality data are the most
15 recent available ones. Secondly, the age specific
16 differences in mortality are what I'm trying to
17 capture, not the absolute level. So were there a
18 2010 mortality table that might reflect some
19 overall improvement in mortality that would affect
20 the entire population, it would not materially
21 change the different survivorship rates at
22 different ages; that is to say it would not change
23 the fact that the older you are the lower your
24 survivorship. That relationship would remain
25 intact.

91

1 Q And so for the other data that you have as well,
2 the non-Hispanic and the percent Hispanic and the
3 percent non-Hispanic, back here on the mortality
4 spreadsheet, where do you take those numbers from?
5 A Those are all from the 2010 census Summary File 1
6 tables that are cited below.
7 Q Now, where do you use the analysis that's on the
8 mortality spreadsheet in your calculations and
9 opinions that are expressed in your report?
10 A Okay. If you apply the survivorship rates in the
11 center of the spreadsheet; that is, the two
12 columns called Five-Year Survival Rate, to the two
13 columns to the left under Milwaukee County labeled
14 Hispanic and non-Hispanic and you apply those, the
15 Hispanic to the Hispanic and the non-Hispanic
16 white to the non-Hispanic and multiply them out,
17 what you get are the surviving voting age
18 populations shown on the right-hand side as of
19 2015. Under Hispanic under Surviving VAP 2015 you
20 have a column labeled Hispanic which represents
21 the remnants of the 2010 Hispanic population that
22 would be of voting age and at the bottom of that
23 Hispanic column under Surviving VAP you will see
24 the number 76,100 and that is the surviving
25 number, 76,100, of the original 81,033 at the

92

1 bottom of the left-hand Hispanic column. So
 2 81,033 voting age Hispanics in 2010 become 76,100
 3 surviving voting age Hispanics as of 2015.
 4 Q And where do these projections figure in in your
 5 report?
 6 A If you then compare the corresponding -- if you
 7 make the corresponding comparison that I just made
 8 for Hispanics for non-Hispanics, you see 703,948
 9 non-Hispanics end up as 605,044 non-Hispanic
 10 whites. If you then calculate the 2010 voting age
 11 population -- I'm sorry. The 2015 voting age
 12 population as a percent of the 2010 voting age
 13 population, which is shown in the bottom row, you
 14 will see that 93.9 percent of the Hispanics -- I
 15 should say the voting age population of Hispanics
 16 is 93.9 percent its size in 2010 whereas the
 17 non-Hispanic white component is 86.0 percent.
 18 That differential rate is the basis for my then
 19 calculating what the change is in the voting age
 20 population makeup over a five-year period.
 21 Q All right. And that last part of it that you
 22 mentioned, where is that reflected in your expert
 23 report that's Exhibit 32?
 24 A Let me see if I can find where that is for you.
 25 That would be reflected in Paragraph 22 on Page 8

93

1 where I state, "As older mostly non-Hispanic white
 2 voters inevitably die off with each passing year,
 3 juveniles disproportionately Hispanic will attain
 4 age 18 and replace them in the population of
 5 eligible voters. This ongoing demographic
 6 recomposition of the citizen voting age population
 7 will boost Hispanics' share of the electorate even
 8 in the absence of any further spacial mobility."
 9 I would say that the quantitative analysis
 10 that we have been discussing in this mortality
 11 accounting model is my basis for saying that the
 12 ongoing demographic recomposition of the citizen
 13 voting age population will boost Hispanics' share
 14 of the electorate and that is apart from the aging
 15 of the juvenile part.
 16 Q So this you don't actually -- the calculations
 17 that appear in your demographic accounting model
 18 on the mortality spreadsheet at least -- the
 19 calculations themselves don't appear in numerical
 20 format someplace in your report?
 21 A I believe that's so. What these numbers do is --
 22 what this mortality analysis does is it confirms
 23 that the effects of differential survival will
 24 further boost Hispanics' share of the electorate
 25 beyond the simple fact of juveniles aging into the

94

1 voting ages although I have not made an effort to
 2 quantify it and say it has X percentage point
 3 effect per year. I have shown over a period of
 4 time, over the period of time shown here, this is
 5 what you end up with.
 6 Let me just double-check on that and make
 7 sure. I'm not sure if I -- let me just
 8 double-check the numbers here. Yes. I stand by
 9 that statement.
 10 Q All right. Now in Table H, the data that are
 11 reflected there are data from the U.S. Census
 12 Bureau taken nationwide, correct?
 13 A They're not from the Census Bureau. They're from
 14 the -- let me see the source on this. It's a
 15 different federal agency, the one that covers
 16 health statistics. Let me get you a source on
 17 that. I know I cited it. The National Center for
 18 Health Statistics. It's not Census Bureau. It's
 19 National Center for Health Statistics. It just
 20 doesn't appear on this particular document.
 21 Q And those numbers that are created in Table H
 22 pertain to Hispanic population in the
 23 United States as a whole; is that correct?
 24 A That's correct.
 25 Q It's not limited to Milwaukee County or to

95

1 Wisconsin, correct?
 2 A Correct.
 3 Q Now, there are other reasons potentially why both
 4 Hispanic and non-Hispanic whites might no longer
 5 remain in Milwaukee County, correct?
 6 A Why they might not remain? You mean physically --
 7 Q Correct. From one year to another.
 8 A Correct.
 9 Q So, for example, people could be sent to prison,
 10 correct?
 11 A Correct.
 12 Q And that's not accounted for in this particular
 13 model, correct?
 14 A You're saying am I accounting for the shift of
 15 Hispanics in Milwaukee County from residing
 16 outside of prison to residing somewhere in a
 17 prison?
 18 Q No. What I'm asking is -- you're saying here that
 19 as people age they're replaced by younger people
 20 who mature into voting age, correct?
 21 A That's not what's being accounted for in this
 22 mortality model. That's a separate model. What
 23 you're looking at in the mortality model is simply
 24 the effects of differential age structure.
 25 Q Right. All right. Is there anyplace in your

96

1 report in making your projections about Hispanics
2 as a growing portion of the population in Assembly
3 Districts 8 or 9 or Milwaukee County where you
4 account for anything other than mortality?
5 A In this particular mortality part of the
6 demographic accounting model I account for nothing
7 but the effects of mortality given the different
8 age structures of the Hispanic and non-Hispanic
9 population.
10 Q So Paragraph 22 is related solely to mortality.
11 It's not related to any other factors, correct?
12 A No. It is a statement that combines the effects
13 of both the aging of the juvenile population and
14 the effects of mortality. As the statement says,
15 as older mostly non-Hispanic white voters
16 inevitably die off -- that's supported by the
17 Demographic Accounting Model - Mortality. That's
18 confirmed by that analysis.
19 Q All right. So when you say in Paragraph 22, "This
20 ongoing demographic recomposition of the citizen
21 voting age population will boost Hispanics' share
22 of the electric even in the absence of any further
23 spacial mobility," that's not taking into account
24 anything other than the aging of the population
25 mortality, correct?

97

1 A No. That's taking account the aging of the
2 population through mortality as well as the
3 maturation of the juvenile population, those two
4 forces together. Those two forces together are
5 what induce the rise in the Hispanic share even if
6 there was no geographic mobility and if no one
7 moves around at all.
8 Q Now, let's say somebody is under 18 and they go
9 away and they go to college. Is that accounted
10 for in your calculations that are reflected in
11 your mortality table and included in Paragraph 22?
12 A Would that be a Hispanic person or non-Hispanic?
13 Q Either way.
14 A Either way? No. Neither one is accounted for,
15 and one could make any assumption that they go
16 away to college and then return or that if it is a
17 non-Hispanic college attendee, which might be the
18 likelier case, that the non-Hispanic college
19 attendee might complete college and move to some
20 other part of the country.
21 Q And similarly if somebody were to go to prison,
22 that wouldn't be accounted for either in the
23 calculations that you present here, correct?
24 A Correct.
25 Q I notice as well in your mortality spreadsheet --

98

1 we were looking at an example, the row 40 to 44
2 years. The cells of that table under Surviving
3 VAP 2015 are blank for that row. Is there a
4 reason for that?
5 A I'm sorry. 40 to 44 years you say?
6 Q Correct.
7 A And which part of that one are you talking about?
8 Q You have got Surviving VAP 2015. Under that
9 column.
10 A I see. I see what you mean. They're shown in the
11 next lower row. In other words, five years later
12 they're 45 to 49.
13 Q Right. Why are there gaps there in some of the
14 rows in that column?
15 A If you let me just study this a moment I will tell
16 you.
17 Q Of course.
18 A I know what I was doing here. What I was doing
19 was I was ignoring the effect of mortality from --
20 you see on the right-hand side where it says
21 Survival VAP 2015? I was carrying over the
22 numbers directly from the left to the right so
23 that if you look at 18- to 19-year olds I was
24 saying 4,354 becomes 4,354 on the right side,
25 25,966 non-Hispanic become 25,966 on the right

99

1 side because the effects of mortality at these
2 ages are so miniscule that they make no difference
3 and there is no differential.
4 So what I'm doing in the spreadsheet is I am
5 accounting for the differential age structure of
6 the populations starting at age 40 to 44; that is
7 to say in the middle adult years, middle or I
8 guess you would say the middle adult years because
9 the age structural differences in the 18 to 39 age
10 range would not have any influence on the
11 mortality experience. And the other problem that
12 one has here is that you have single year
13 gradations of age but you have got five-year
14 mortality so it becomes a bit of a problem to
15 aggregate them.
16 What I focused on -- you could say that this
17 is, if anything, an analysis that would perhaps
18 understate the effect of differential mortality,
19 but it does focus on the age ranges where
20 mortality is prominent which would be from age 40
21 to 44 onward.
22 Q There are mortality or there are data regarding
23 the survival that are given in Table H of the
24 report, correct?
25 A Yes, there are.

100

1 Q And so those numbers could be plugged into your
2 column that's the five-year survival rate,
3 correct?
4 A Yes. They could be plugged in. It would take
5 quite a bit of manipulation, and I just didn't
6 feel it was worth the time and effort given the
7 fact that it would scarcely change the results.
8 If anything, it would intensify the effect, and
9 for my purposes I simply wanted to confirm that
10 the effects of age structure here were visible and
11 I could document the fact that the differential
12 age structures of the two populations would in
13 fact boost the Hispanic share of the voting age
14 population. Were I to estimate the exact amount
15 by which it did it, I could go back in and try to
16 fill in those other values and get an exact
17 estimate, but I just didn't think it was worth the
18 couple of hours effort to do that.
19 Q Is it fair to say this is more of qualitative type
20 of an analysis than a quantitative analysis?
21 A No. I would not say that at all. It is a
22 quantitative analysis that fulfills the purpose of
23 documenting quantitatively a minimum threshold
24 level; that is to say it establishes that the
25 effect that I suspected was there is there and

101

1 probably is there more intensely than I had
2 estimated.
3 Q Do you know whether there are any data that -- you
4 had mentioned that in Table H this is the most
5 recent available data on survival. Do you know
6 whether there are any more specific data that
7 pertain to Wisconsin or to Milwaukee County?
8 A I believe if you read the entire report from which
9 this was drawn, my recollection is that it was
10 stated that this was the first of its kind for the
11 nation. Let me just see it if I can refer you to
12 this. On Page 1 of the Center for Disease Control
13 document where it says Introduction -- I'm just
14 reading down to about the second or the third
15 sentence. It says, "As a result of considerable
16 interest and demand for the production of reliable
17 vital statistics for this population," the
18 Hispanic population, "including mortality measures
19 such as life expectancy exist, considerable
20 interest and demand exist. Unfortunately, data
21 quality problems prevented the production of
22 reliable U.S. life tables for this population
23 until now."
24 Q So this is the first such effort to put into a
25 report this type of data?

102

1 A Apparently this is the first publication by the
2 federal government of mortality data with this
3 degree of detail for the nation, yes.
4 Q And you don't know whether there's anything that's
5 been produced since then that's more specific to
6 Wisconsin or Milwaukee County or are you pretty
7 sure there is not?
8 A I don't know with certainty, but I am quite
9 confident that there is nothing else available
10 except in some unpublished internal tabulations
11 that the National Center for Health Statistics
12 has. I note that the publication date on this is
13 October 2010, so that tells me that this is really
14 very current.
15 Q Have you applied this same analysis to any other
16 Hispanic populations in your work?
17 A I have not applied it to this degree of
18 quantifying it, but I have made statements to the
19 effect that I have made in this case based on a
20 visual inspection of the age structure. It's a
21 fairly straightforward thing to do. If you
22 imagine one population in which just say for the
23 sake of example an elderly non-Hispanic white
24 population in which half of the voting age
25 population is 65 and over and another minority

103

1 population in which only 10 percent of the voting
2 age population is 65 and over, there are going to
3 be a lot more people dying off from the former
4 population than the latter. You don't need a set
5 of mortality schedules to tell you that. So one
6 knows that the effect will be to remove one group
7 from the population through mortality at a much
8 higher rate than the other one. This simply
9 allowed me to quantify it because I had the
10 survival rates for both populations.
11 Q You can set that document to the side. The next
12 document in the ones that you had produced at
13 least that is in my stack is the printout of the
14 Act 43 Demographics.xls spreadsheet. Again, we
15 have talked about this a bit before. That's a
16 document, a spreadsheet, that's on the thumb drive
17 you produced?
18 A Right.
19 Q And this was a spreadsheet that was given to you
20 by Mr. Handrick?
21 A Yes.
22 Q You testified about that before. Did Mr. Handrick
23 give you any other documentation in addition to
24 this particular spreadsheet?
25 A No. I don't recall anything but this document.

104

1 Q Was this something that you requested from
2 Mr. Handrick or did he simply give it to you to
3 consider?
4 A I requested the demographic makeup of District 8
5 and District 9 in whatever form it was available,
6 preferably with as many distinctions by race and
7 ethnicity as were available, and this is what he
8 provided.
9 Q Did you have any other parameters that you gave
10 him when you told him you wanted the data or
11 requirements of the data?
12 A No.
13 Q When Mr. Handrick gave you this spreadsheet, was
14 that the first time that you had seen that
15 specific data, the demographic makeup of Assembly
16 Districts 8 and 9?
17 A I believe it was. I don't recall seeing anything
18 like this before. I think it was the only source
19 that I had other than his listing of the census
20 tracts that comprised the districts.
21 Q Moving on then, I think that the next sheet in my
22 stack is the ACS 2006 to 2010 Analysis.xlsx
23 spreadsheet that we talked about before.
24 A And that's labeled as Exhibit 49-A.
25 Q And that is 49-A.

105

1 A I've got it here and I will keep it in the stack.
2 Q Terrific. The next one, the next document in the
3 stack, it appears also has a title at the bottom
4 ACS 2006 2010 Analysis.xlsx. Can you tell me what
5 that document is.
6 A Yes. That appears to be a printout of one section
7 of the spreadsheet that simply showed a comparison
8 between Hispanics under age 18, Hispanic citizens
9 under age 18, to Hispanic citizens 18 and older.
10 This was apparently just a fact that I saw and
11 printed out so that I didn't lose track of it.
12 Q So these numbers are taken then from the ACS data,
13 correct?
14 A Correct.
15 Q And for the time span 2006 to 2010; is that
16 correct?
17 A Correct.
18 Q Are these annual averages?
19 A No. They are not annual averages and they are not
20 for 2008 exactly. The Census Bureau suggests that
21 one refer to them as measures of Hispanic
22 population during the period 2006 to 2010.
23 Q Do you know how they're calculated?
24 A Yes.
25 Q All right. How are they calculated?

106

1 A They are an aggregation of annual surveys. They
2 conduct a survey, a national survey, in 2006 and
3 they issue a file that says this is the 2006
4 survey but it's not a very large sample. Then
5 they do it again in 2007. Once again you have a
6 more recent year, 2007, that tells you the latest
7 number, but, again, on the basis of a small
8 sample. You do it again in 2008, and I think at
9 that point they issue a three-year file and they
10 say we can give you a larger sample, but it will
11 be for a period that is more vaguely defined as
12 2006 to 2008. Then they go on for two more years.
13 When you get five years of data put together, they
14 add all of them together. They accumulate them
15 into a sample that is five times as large
16 essentially and say now you have got a large
17 enough sample to start computing things at the
18 census tract level or above with a very large
19 margin of error, progressively smaller at the
20 county level, at the state level. So the
21 2006-2010 data file for ACS allows you to make
22 more precise statements or I should say with
23 minimally acceptable precision for smaller pieces
24 of geography but for a more widely defined span of
25 time. To use an analogy, it would be as though

107

1 you said we would like to know what percentage of
2 republican voters will vote for Mitt Romney and we
3 have put together all of the surveys we have
4 conducted over the last 48 months and the answer
5 is a certain percentage. You would say it's good
6 to know what that percentage is, but can you tell
7 me what it was last week. The answer is no clue.
8 Q All right. So for example in the row that says
9 Hispanics Under 18 Native and Naturalized there's
10 a total number 25,295. That's an aggregated
11 number over those five years?
12 A Correct.
13 Q And is that divided by five then?
14 A No.
15 Q That's just the aggregated number?
16 A I'm sorry. That is the number that is derived --
17 it's either derived from the fraction -- no. It's
18 not an aggregation. It tells you that is the best
19 estimate based on five years of survey data.
20 Q All right. So they have some statistical method
21 that they use where they have got a distribution
22 of values?
23 A Right.
24 Q That's a number that the ACS comes up with. It's
25 not a number that you calculated?

108

1 A That would be a number that the ACS comes up with,
2 and any demographer replicating what I did would
3 come up with the identical number.
4 Q Just going to the ACS data?
5 A Correct.
6 Q The next page that I have has a printout on the
7 bottom that says Wisconsin, and up at the top it's
8 2006-2010 ACS. Can you tell me what this is.
9 A Yes. This is a compilation of data from the ACS
10 that refers I believe here -- yes -- to the State
11 of Wisconsin as a whole, and it distinguishes all
12 of the different categories that you see in the
13 rows. It shows the total estimate of population
14 on the top row, the Total row. The estimate of
15 the total population is 5,637,947. That is the
16 best estimate based on five years of data of the
17 ACS. It then says, if you move over to the right,
18 the Hispanic total population estimate is 310,549.
19 And then the key figure from my standpoint is on
20 the right-hand side, Hispanics would be
21 5.5 percent of the population based on the ACS.
22 Q Where did you use the data or the analysis that's
23 reflected in this particular document in your own
24 calculations and opinions in this case?
25 A I believe it will be reflected in one of the data

109

1 tables. It looks as though what I have here is
2 the 2006 to 2010 ACS data aggregated up for the
3 State of Wisconsin, but, as I look at Table 1 in
4 my -- let me just double-check one thing here.
5 Yes. In Table 1 of my report I have shown for the
6 State of Wisconsin data from the ACS for the year
7 2010; that is to say for the final year of that
8 five-year ACS period. What we're looking at here
9 in this table is an alternative table based on the
10 five years of ACS, and I don't think that I used
11 the data from this five-year version because the
12 one-year version sufficed for the State of
13 Wisconsin.
14 Q Okay. Go ahead.
15 A What you can see here -- this is what happened.
16 If you look at the paper, at the 2006-201 ACS
17 table we were discussing, you see in the lower
18 right-hand corner 2.73 percent?
19 Q Yes. That's the Native and Naturalized row?
20 A Right. That particular number is the Hispanic
21 share of the citizen voting age population during
22 the period 2006-2010, 2.73 percent. In my Table 1
23 under the column Wisconsin 2010 you will see that
24 the corresponding percentage is not 2.73 but it's
25 3.0. And that says in 2010 I was able to get the

110

1 estimate as of that year and it was up to
2 3 percent whereas during the period 2006 to 2010
3 it was 2.73. So we have two versions of the
4 information here. The 2010 number at 3.0 percent
5 was based on a large enough sample, one-year
6 sample, for an entire state that I could calculate
7 3.0 as an accurate rendition or a precise enough
8 rendition of what the percentage is.
9 Q So the 2.73 percent that is identified in the
10 spreadsheet that we have identified pertains to
11 Wisconsin, that 2.73 percent is a citizen voting
12 age population of Hispanics in Wisconsin overall
13 in 2010 or from 2006 to 2010?
14 A That's correct.
15 Q All right. Why is it that you chose to go with
16 the number based on the census data?
17 A Based on the 2010 ACS you mean?
18 Q I'm sorry. The 2010 ACS.
19 A I believe what I had at the time I was calculating
20 the 2006 to 2010 ACS data I was calculating the
21 Hispanic share for the State, for Milwaukee
22 County, and for census tracts. So this is one
23 page where I looked at the number to see what it
24 was, and I may have had this 2.73 prior to going
25 to the 2010 data to get the more current number.

111

1 So you could say that the 2.73 is a number that I
2 did not rely on although I took note of it.
3 Q All right. Now, I note that there is a column
4 called Margin of Error on the spreadsheet as well.
5 A Correct.
6 Q And what is that margin of error measuring?
7 A That is measuring for -- in each of the columns it
8 is giving you the statistical estimate of the
9 range of possible values given the ACS measure of
10 the margin of error. So what it's saying is if
11 you look under the Total Estimate column on the
12 left where you have at the bottom of that column
13 Native Plus Naturalized in the shaded row and it
14 says 4,160,993 -- what that is saying is that that
15 number, 4,160,993, could be as high as 4,164,215
16 or as low as 4,157,771 within a confidence band of
17 I think it's 95 percent or 90 percent. It's
18 saying don't think of it as an exact number.
19 Think of it as a number that falls between
20 basically 4.158 and 4.164.
21 Q And then the next column that's SE, what does that
22 refer to?
23 A That's the margin of error.
24 Q All right. How is the margin of error then
25 distinguished from --

112

1 A I can't give you a precise definition of that.
 2 That is the number -- the margin of error and the
 3 standard error are two numbers that are associated
 4 with the number to the left, 4,160,993, and
 5 statisticians use that to calculate the total low
 6 and the total high.
 7 Q And there is also a margin of error and standard
 8 error given for the Hispanic estimate as well,
 9 correct?
 10 A Correct.
 11 Q Do you know whether there were similar error
 12 calculations that were given for the 3 percent
 13 number that was given in your Table 1 for citizen
 14 voting age population for Hispanic in Wisconsin in
 15 2010?
 16 A Yes. There are corresponding margins of error.
 17 Q And where are those set forth?
 18 A I have not included those here although they do
 19 exist. What I'm showing in Table 1 is 3.0 is the
 20 best estimate of what the number is. I would say
 21 the margin of error is going to be -- based on the
 22 2006-2010 ACS it's probably going to be somewhere
 23 in the range of -- it could be plus or minus
 24 0.2 percentage points, something like that, but
 25 I've not done the calculation or shown the number.

113

1 Q And then I notice below in the table just down
 2 from the 2.73 percent figure there's a Range of
 3 Possible Value Analysis.
 4 A Correct.
 5 Q What does that set forth?
 6 A What that is saying in plain English is -- the
 7 2.73 percent that you see there, think of it as a
 8 percentage that it could well be somewhere between
 9 2.68 and 2.78. So you might want to think of it
 10 as rounding it and saying it's somewhere around
 11 2.7 to 2.8 percent. That would be the way you
 12 would think about that number in terms of how
 13 precisely you know it. It's as though you said a
 14 candidate looks like he has 53 percent of the
 15 popular support plus or minus two percentage
 16 points. It's that type of a statement to allow
 17 the public to judge it's plus or minus this much
 18 and not plus or minus ten times as much.
 19 Q Again, it's a range that's going to factor in the
 20 margin of error and the standard error; is that
 21 correct?
 22 A That's correct.
 23 Q All right. If you would look at the next page
 24 then which is 2006-2010 ACS for Milwaukee County.
 25 A Yes.

114

1 Q Do you see that? All right. Is this an analysis
 2 that you used in formulating your opinions?
 3 A Not this particular table, no.
 4 Q What was the purpose of creating this particular
 5 table?
 6 A I believe this again was created in conjunction
 7 with creating the identical table for each census
 8 tract, and I simply printed it off to see what the
 9 number looked like based on the five-year ACS. As
 10 you will see if you do the same exercise, the
 11 lower right-hand corner is 6.76 for Milwaukee
 12 County over that five-year period. And if you
 13 look at my Table 1 of my report, you will see that
 14 the percentage shown for Milwaukee County was 7.6
 15 as of 2010. So what the table that you're looking
 16 at, the five-year ACS table, is saying is during
 17 this five-year period Hispanics constituted
 18 6.76 percent of the citizen voting age population.
 19 And if you want to know what that corresponding
 20 percent was as of 2010, the ACS point estimate is
 21 7.6 percent as shown in my Table 1.
 22 Q Again, if you had five years of data from the ACS,
 23 why didn't you use that ACS data? Why did you go
 24 with the single-year estimate for Milwaukee
 25 County?

115

1 A Because I wanted to line up the data, all of the
 2 data, in Table 1 to correspond to a single point
 3 in time which was 2010. I had the total
 4 population as of 2010 based on the census
 5 enumeration, I had the voting age population as of
 6 2010, and then I felt that had I shown the citizen
 7 voting age population for the period 2006 to 2010
 8 it would have been confusing and perhaps -- well,
 9 just confusing. Since I did have a measure for
 10 2010, that single-year measure, 7.6 percent -- I
 11 knew what the percent was. It has a larger wider
 12 margin of error than the five-year ACS data, but,
 13 nonetheless, it lies where one would expect it to
 14 lie which is higher than it was during the
 15 five-year period; that is to say higher than 6.76.
 16 Q So in Table 1 -- all of the data in Table 1 is
 17 single-year data either from the 2000 census or
 18 the 2010 census?
 19 A That is correct.
 20 Q None of the ACS data from multiple years is
 21 included in there. It's just the 2010 ACS data?
 22 A That's correct.
 23 Q Now, again, there are margins of error and
 24 standard errors associated with the 2006-2010 ACS
 25 data, correct?

116

1 A Correct.
 2 Q Again, there is a range of possible values
 3 generated at the bottom of that page?
 4 A That's correct.
 5 Q And that range is from of 6.56 percent to 6.96
 6 percent, correct?
 7 A That's correct.
 8 Q The 7.6 percent figure that you included in the
 9 citizen voting age population for Hispanics in
 10 Milwaukee County in 2010 of 7.6 percent, would you
 11 expect that to have a higher margin of error than
 12 the ACS 2006-2010 ACS data?
 13 A Yes. It would by definition.
 14 Q You can turn to the next page then. The next page
 15 is a spreadsheet, ACS 2006 2010 Analysis.xls. Can
 16 you identify this document for me.
 17 A I can tell you that it is ACS data, but I'm not
 18 sure which piece of geography it refers to.
 19 Whatever the piece of geography is, it's a place
 20 that has a total population of 136,000. I don't
 21 really -- this is a print off from a part of a
 22 spreadsheet, and it may just be an extraneous
 23 print off that I had in my files. I haven't
 24 written any identifier on this, so I don't know
 25 which piece of geography it refers to. I would

117

1 have to speculate.
 2 Q I think that on Exhibit 49-A this looks to me like
 3 this data matches up. As a matter of fact it's
 4 got the same -- this may be the same spreadsheet.
 5 I think it is the same spreadsheet. It was just
 6 four pages before Exhibit 49-A was.
 7 A Which is 49-A?
 8 Q It's going to have the sticker on the right.
 9 A Yes. Let me see if I can find that. Yes. It
 10 looks to me like --
 11 Q Just another printout?
 12 A A duplicate copy.
 13 Q Got it. And then the next page is a printout of a
 14 document. At the bottom it says Hispanics Growing
 15 Share of Prospective Voters.xlsx. Can you tell me
 16 what this document is.
 17 A This document looks like it was a printout of the
 18 spreadsheet that is shown in Table 1 of my report,
 19 Table 1 of my initial report, but at a point when
 20 I had not filled in the citizen voting age
 21 population for 2000. So it was an early version
 22 of that table with some cells of data still empty.
 23 Q All right. Moving on to the next group of
 24 documents that you produced this morning. I've
 25 got a paper clipped group here that appear to be

118

1 printouts from the U.S. Census Bureau American
 2 Fact Finder?
 3 A Correct.
 4 Q Is it a website? Is it a service?
 5 A Think of it as the retail front door to the Census
 6 Bureau. If you go in and say I would like to
 7 click my way through and come up with a screen
 8 that looks exactly like this page that you see
 9 here and then I would like to just push print. It
 10 has a specific identifier. The first page says
 11 P12H. That tells you the exact table and the
 12 exact table description, Sex by Age, Hispanic or
 13 Latino. The universe is everyone who was Hispanic
 14 or Latino. It tells you that it comes from the
 15 2010 Census Summary File 1. At the bottom it will
 16 give you -- if it weren't blurred out slightly, it
 17 will give you the exact website address where I
 18 got that.
 19 These are the raw data that I used to compute
 20 the numbers and proportion of the Hispanic
 21 population under 18 and 18 and older for in this
 22 case Milwaukee County.
 23 Q All right. Where did you use these data in your
 24 calculations and in your report?
 25 A That will most likely be reflected in my various

119

1 data tables. Wherever I have referred to the
 2 voting age population -- I'm not sure why I have
 3 under 18. Let me just take a look at this for a
 4 moment. Well, these would be the data on which I
 5 would have developed my calculations of the 18 and
 6 older population in Table 1. I'm not sure that
 7 I've shown the under 18 population per se. I've
 8 only shown the under 18 citizen population in
 9 Table 2. Essentially what I do sometimes is
 10 instead of adding up all of the age groups that
 11 are 18 and older I take the total population and
 12 subtract out the under 18 population and that
 13 leaves me with the 18 and older population. I
 14 think that's what I was doing here although I can
 15 see I was also calculating the 65 and over
 16 population and that would have been used in my
 17 mortality analysis. I don't know if that answers
 18 your question.
 19 Q Well, it appears that we have got table numbers
 20 that are on each of these printouts, as you have
 21 identified before, and in the tables that are in
 22 your report you have references to specific Census
 23 Bureau American Fact Finder tables, correct?
 24 A Yes.
 25 Q So, for example, if we look at Table 1 in your

120

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 report, you identify under sources -- one of the
2 sources that you have is Table P12H.
3 A Correct.
4 Q So Table P12H, which you have produced here, is
5 one of the tables on which you relied to create
6 your Table 1, correct?
7 A Correct.
8 Q Now, what number are you taking from Table P12H to
9 calculate one of the figures that appears in
10 Table 1 of your report?
11 A Okay. I'm taking to be specific -- the table
12 we're talking about right now, the hard copy table
13 that says Milwaukee County Hispanic 2010 in
14 handwritten comments -- I'm using this table,
15 P12H, for this piece of geography to calculate the
16 voting age population, the Hispanic voting age
17 population, and the total Hispanic population. So
18 if you look at the very top row in the printout
19 where it says 126,039 and then if you look at
20 Table 1 of my report, you will see in the
21 right-hand column second cell from the top the
22 number 126,039. So this table, P12H, is the
23 source of that 126,039 in Table 1.
24 Q And then I might as well just ask you this now
25 then. In Table 1 just above the 126,039 is the

121

1 total population all ages in Milwaukee County for
2 2010. That number is 947,735, correct?
3 A Yes.
4 Q Where did you derive that number from?
5 A That would in all likelihood come from one of the
6 other tables in the source, either QT-P1 or QT-PL.
7 Q So if we turn the page, I think we have Table
8 QT-P1, correct?
9 A That's right.
10 Q And so that's where that number is from?
11 A Yes. And you can see that on the top left-hand
12 cell, 947,735.
13 Q All right. So then it becomes, looking at Table 1
14 in your report, the percent of Hispanic in
15 Milwaukee County in 2010 is the simple calculation
16 of dividing 126,039 into 947,735, correct?
17 A Dividing the 126,039 by the number 947,735, yes.
18 That gives you 13.3 percent.
19 Q Then below that you have got the voting age
20 population for Hispanics, correct?
21 A Correct.
22 Q And where do you get the 711,358 number from?
23 A If you go to that table, QT-P1 and if you go down
24 to about the sixth row or so from the bottom where
25 it says 18 And Over, you see the number 711,358.

122

1 It's on the left side.
2 Q The left side.
3 A The left side about the sixth line from the bottom
4 or so.
5 Q I see. 18 years and older.
6 A 711,358. That's the number that appears in my
7 Table 1 on the right-hand side about in the
8 middle, the voting age population.
9 Q And then the number for Hispanics under that,
10 77,116?
11 A That is going to come from the calculations on the
12 preceding page you were looking at, P12H.
13 Q And how did you come up with that?
14 A That would have been subtracting -- my
15 recollection would be subtracting the under 18
16 population from the total population where you see
17 I've done a calculation, the handwritten notes
18 under 18 equals and then there's an arrow plus
19 another arrow.
20 Q Okay. So you added up -- in other words, in
21 Table P12H you added up the -- it looks like you
22 have got a box around both for males and females
23 separately, the ages under five years and then up
24 to 15 to 17 years, correct?
25 A Correct.

123

1 Q So you added those up to get the under 18
2 population?
3 A Correct.
4 Q And then you subtracted that out from the total
5 population?
6 A Correct.
7 Q I understand. Again, that percentage that comes
8 out of that is simple math that you went through
9 just a minute ago?
10 A That's correct.
11 Q Then underneath is the CVAP, the citizen voting
12 age population, and where did those numbers come
13 from?
14 A Now, that would be coming from the ACS, the
15 American Community Survey, the one-year file, the
16 2010. If you look at the source of Table 1, it
17 says American Community Survey Tables B05003 and
18 B05003I.
19 Q Were those tables ones that we have already looked
20 at? Were those included in here? I know it might
21 have been a while ago.
22 A I don't know if they're in here or not. If I
23 printed them out, they're in here. It may be that
24 I simply used that as the citation of where I
25 pulled them up on the screen. Let me just take a

124

1 look and see if I can find them in here. Yes. In
2 that stack of papers you're looking at if you leaf
3 ahead -- I'm just going to count the number of
4 pages. This the set of pages that are paper
5 clipped.
6 Q That start out with Table P12H?
7 A Yes.
8 Q Okay.
9 A If you go to the 14th page in that stack --
10 Q All right.
11 A And you see here it says --
12 MR. EARLE: There was printing on
13 both sides. Can we make sure we're on the
14 same page. This is the one dated 10:46 p.m.
15 in the upper right-hand corner?
16 THE WITNESS: Yes.
17 Q It's B05003, Sex by Age by Citizenship Status,
18 correct?
19 A Correct. I just have to double-check this, but
20 that is the table from which I would have obtained
21 the total population by citizenship and that would
22 correspond to the Table 1, the row that's entitled
23 Citizen Voting Age Population, CVAP, for Milwaukee
24 County. Part of this has gotten clipped off, but
25 you can see that I've got -- in the center of that

125

1 page on the right-hand side a handwritten number
2 670,1. That corresponds to the 670,124 in
3 Table 1.
4 Q And how is that number calculated?
5 A That would be calculated as taking the total
6 voting age population in the census table and
7 subtracting out the two rows that say not a U.S.
8 Citizen that are circled. Again, if you look at
9 the arrows, you will see that the arrows combine
10 18 and over male and female and then there's two
11 more that are circled with an arrow picking up
12 from the left-hand side and they pick up the not a
13 U.S. citizen part of male and female. So there's
14 a little calculation road map there that says if
15 you take the VAP, 712,692, minus the two numbers
16 that I had circled, 22,624 and 19,943, you end up
17 with subtracting out the non-citizens 42,567.
18 Q Where does the 712,692 number come from?
19 A That is a combination -- you see the arrow
20 pointing to the word VAP?
21 Q Yes.
22 A Go to the left of that arrow and you see where it
23 branches out? It combines those two numbers that
24 are circled, 338,398 and at the bottom 374,294.
25 Q But in your Table 1 there's a VAP of 711,358,

126

1 correct?
2 A Yes. That VAP is based on the census full count.
3 This is what the 2010 American Community Survey
4 estimates the VAP at, 712,692. That's an example
5 of how the American Community Survey will give you
6 an estimate of the number but it won't be
7 precisely the number because it's only based on a
8 sample. So if you said I see two versions here of
9 the VAP, one of them is 712,692 and the other one
10 you have shown in your table is 711,358, the
11 711,358 is from the full census. The 712,692 is
12 what you get if you asked the American Community
13 Survey what would be your estimate of the VAP if
14 you didn't know it from the census.
15 Q Okay.
16 A And the reason I calculated there is because this
17 table, B05003, gives me not only the VAP but it
18 also gives me the non-citizen component of the
19 VAP. It is the only table that gives me that
20 information, so it is the only way I can subtract
21 out the non-citizen part and get the best estimate
22 of the citizen voting age population in Table 1
23 which I've shown as 670,124.
24 Q And then the Hispanics, the 50,738 -- I know we
25 have seen that number before.

127

1 A Yes. If you move on to the next table, B05003I,
2 the next one in the sequence, you will see the
3 same calculations but just for the Hispanics.
4 Q Now, with both of these, both in Table B05003 and
5 B05003I, there's a margin of error that's given
6 there as well, correct?
7 A Correct.
8 Q So, for example, in the looking at B05003 for not
9 a U.S. citizen under -- it looks like it's Male 18
10 Years and Older Not a U.S. Citizen. It's plus or
11 minus 2,092 and a total estimate of 22,624,
12 correct?
13 A Correct.
14 Q So there are margins of error that are included in
15 there?
16 A That's correct. The margins of error are shown.
17 Q So is there a total margin of error that you have
18 calculated for your estimate of the citizen voting
19 age population in Milwaukee County in 2010?
20 A No.
21 Q So the 50,738 number is calculated using the ACS
22 one-year estimate, correct?
23 A Correct. Correct.
24 Q All right. Now, how did you come up with the
25 percentage of Hispanic there, the 7.6 percent?

128

1 A It should be simple division, 50,738 divided by
2 670,124.
3 Q So that's when we were talking about before the
4 five years of ACS data versus the one year of ACS
5 data. That 7.6 number -- that's the one-year
6 estimate for the ACS data, correct?
7 A That's the most current estimate that we have and
8 it refers to the year 2010.
9 Q Would it be possible to calculate a margin of
10 error for your 7.6 percent figure?
11 A I know there's a way to do it, but I didn't go to
12 the trouble of doing it because I'm only
13 interested here in getting the best point estimate
14 and I'm cognizant of the fact that it has a margin
15 of error. It could be higher. It could be lower.
16 But by how much I have not calculated.
17 Q As far as you know these numbers are all correct?
18 Actually, generally in your report -- have you
19 gone back over and looked over your report to see
20 if you can identify any errors in the data?
21 A Yes. I always go over anything I do and not only
22 proof it but I double-check my calculations. My
23 position on Table 1 is that all of these data for
24 2010 are the best officially available data on the
25 matter shown; that is to say for the percent

129

1 Hispanic among the citizen voting age population
2 the scientifically most defensible estimate is
3 7.6 percent as of 2010.
4 Q And generally in your report as a whole when you
5 went back through it and checked on everything was
6 there anything that you could identify that you
7 needed to correct that was wrong in some way?
8 A I think there were just one or two typos. There
9 is one thing I was going to go through and make a
10 correction for the record. If you go to Page 10
11 of my December 14th report, there is a Footnote
12 No. 3 at the bottom.
13 Q Yes.
14 A On the second from the bottom line where it says
15 2010 Block.
16 Q Yes.
17 A That should read 2000 Block.
18 Q All right.
19 A And then two lines above where in the center of
20 that it says if the 2010 Block.
21 Q Yes.
22 A That should read 2000 Block.
23 Q All right.
24 A Those are the only two corrections I think I came
25 across.

130

1 Q Do those two corrections change any of your
2 analysis or conclusions in any way?
3 A No. They were simply typos.
4 Q Turning back to Table 1, your column Milwaukee
5 County 2000, you do not have estimates for
6 Hispanic or percentage Hispanics in the citizen
7 voting age population, correct?
8 A That's correct.
9 Q And why is that?
10 A At that point in time I had not done the
11 calculations that would be necessary using the
12 2010 census data. I had not anticipated needing
13 to do so. It turned out subsequently that it was
14 necessary to do so.
15 Q And so did you end up calculating those?
16 A Yes, I did.
17 Q And are those calculations reflected anywhere in
18 the documents that you have produced here?
19 A They should be. I'm not sure exactly where.
20 Would you like me to look for those now or keep
21 things as they come?
22 Q Why don't we take them as they come. I need to
23 make a notation here to myself.
24 A All right. I will represent that I did do the
25 calculations quite recently and I know that

131

1 they're in here somewhere.
2 Q All right. So if we go down in the Milwaukee
3 County, the 2000 column --
4 A Yes.
5 Q And this is in Table 1 of your report.
6 A All right.
7 Q Is the methodology that you followed to calculate
8 the numbers that are in the column for 2000 the
9 same as the methodology that you followed for
10 2010?
11 A Yes. It's the same procedure using the same
12 publicly available tables from American Fact
13 Finder except from the 2010 census.
14 Q Are those tables printed out in part of the
15 materials that you have produced today?
16 A Yes. I believe if you keep leafing forward you
17 will eventually see -- after you go through the
18 tables that are labeled 2006-201 ACS, go ahead. I
19 don't know if it's maybe four or five or six more
20 pages. You will come to a table that says
21 Milwaukee 2000 Total Pop in handwriting at the
22 top.
23 Q Yes. I see that.
24 A At that point you're going to get into a series of
25 tables that have essentially the same types of

132

1 calculations based on tables that have pretty much
2 the same types of labels but from the 2000 census.
3 Q Okay. I'm sorry. I didn't mean to cut you off.
4 A And things are circled with the arrows showing
5 what pieces go where.
6 Q Right. And then for the column in Table 1 that's
7 labeled Wisconsin, how did you come up with your
8 numbers for -- let's start out with 2000. How did
9 you come up with the numbers that are in that
10 column?
11 A I would have done it the same way with the same
12 tables except it would have been for a different
13 geographic area. In other words, if you look at,
14 for example, the Table QT-P1 or QT-P whatever, you
15 will notice that it will describe a generic type
16 of table and then it will say geographic area.
17 Some tables will say Milwaukee County, Wisconsin.
18 Others would say Wisconsin. So it should have the
19 same format. I'm not sure where they are in the
20 stack of tables here, but there should be tables.
21 Q I think this is the -- let me just count here. If
22 we count six sheets in, I see a table QT-P1 2010
23 Census Summary File 1 Geography: Wisconsin.
24 That's where you would have taken that total
25 number for 2010 of 5,686,986 that appears in your

133

1 Table 1?
2 MS. LAZAR: You didn't start with
3 the right pile. Put a stack over.
4 THE WITNESS: I have to start at
5 the beginning here.
6 MS. LAZAR: This page is the first
7 page. Count six from that.
8 THE WITNESS: Okay.
9 MS. LAZAR: That was all paper
10 clipped together, so start six from that.
11 A Yes. I see a table that is entitled QT-P1, and
12 then it says Geography: Wisconsin. Is that the
13 one you're referring to?
14 Q Yes, it is.
15 A And it has in the upper right-hand corner Age
16 Tables Wisconsin Total Pop 2010.
17 Q And then for the population of Hispanics that's
18 336,056, does that come from the preceding page
19 which is P12H, Sex by Age Hispanic or Latino?
20 A Yes.
21 Q Again, we can do the simple calculations, 336,056
22 divided by the denominator of 5,686,986?
23 A Say that again.
24 Q Sure. To arrive at the 5.9 percent Hispanic
25 population in Wisconsin for 2010?

134

1 A Yes.
2 Q Again, that's just simple division?
3 A 336,056 divided by 5,686,986. Yes.
4 Q Okay. Then moving down to the next row, which is
5 the Voting Age Population, did you perform a
6 calculation to determine that similar to what you
7 did for Milwaukee County?
8 A I did. I believe that you will see that on the
9 next page where we have the population.
10 Q I see. There's a row for 18 years and older?
11 A Right.
12 Q And that's where you get the 434,794?
13 A Right.
14 Q And then the number of Hispanics you go back to
15 Table P12H.
16 A That's correct.
17 Q All right. And you derive it from that. And then
18 the CVAP -- again, you're deriving that from these
19 two tables as well?
20 A No. At that point I believe what I had was a --
21 are you referring to the CVAP for 2010 or for
22 2000?
23 Q For 2010 for Wisconsin.
24 A 2010 would be from the 2010 American Community
25 Survey, and there should be a table corresponding

135

1 to Wisconsin that would look exactly like the one
2 for Milwaukee County in here somewhere. That's
3 probably going to go back in the ACS series of
4 tables. It's further back.
5 MS. LAZAR: Paper clip that
6 together.
7 A This would have been a table of one-year ACS data.
8 I've kind of lost track of where we had those
9 tables. Let me just look at this.
10 Q I see one here that's B05003.
11 A That should be it.
12 Q Sex by Age by Citizenship Status.
13 A Does it say for Wisconsin?
14 Q It does. It says for Wisconsin. So there is a
15 citizen voting -- it looks like you have got again
16 two rows circled. One is 18 years and over for
17 males, and then one is 18 years and over for
18 females. It looks like you have circled both of
19 those and I believe added those two up?
20 A Could you hold up the page you're looking at
21 because I think I found it?
22 Q Of course.
23 A We're close. Hold on. We're very close. You
24 have got the total population. I've got your
25 page. And then the one immediately after that it

136

1 will say Wisconsin Hispanic. Do you have that in
2 the next one in order?
3 Q Yes. So these two pages together are how you
4 derived the citizen voting age population of
5 Hispanic and then percent Hispanic.
6 A That's correct.
7 Q Now, you have got on the Table B05003 the
8 Wisconsin totals. You have some handwriting on
9 there and you say, "Striking disparity." What do
10 you mean by that?
11 A I was referring there to the disparity between the
12 Hispanic share of the under 18 citizen population
13 and the total citizen voting age population, and I
14 was struck by how much higher the Hispanic share
15 was among those juveniles who would be aging into
16 the voting ages in the future.
17 Q All right. Again, in the ACS data there are
18 margins of errors that are associated with those
19 numbers, correct?
20 A Correct.
21 Q And you have not calculated a margin of error for
22 your CVAP percentage Hispanic, correct?
23 A No, I have not.
24 Q The remaining printouts from the American Fact
25 Finder database or service that are in this stack

137

1 of documents, are those used elsewhere in your
2 analysis?
3 A I don't believe they would be used anywhere else
4 other than -- these would be the basic source data
5 for the information in Table 2 for the two
6 left-hand columns, Wisconsin and Milwaukee County.
7 Actually, hold on just a moment here. That's the
8 only place I think they're used, the only other
9 place.
10 Q All right. If I look at Table 2 and Table 1, it
11 looks like in Table 2 your numbers for Total
12 Population All Ages for Wisconsin and then
13 Hispanics and then Percent Hispanic -- that's
14 essentially the same as in Table 1, correct, for
15 the year 2010?
16 A Yes. Except that in Table 2 I've shown it to two
17 decimal places instead of one for the percent
18 Hispanic.
19 Q Right. And similarly for Milwaukee County in
20 Table 2 it looks like the Total Population and the
21 number of Hispanics and the percent Hispanic are
22 the same as in Table 1 for Milwaukee County 2010,
23 correct?
24 A Correct.
25 Q So you basically just carried the numbers over

138

1 from Table 1 essentially?
2 A That's correct.
3 Q Now, the CVAP numbers are a little bit different
4 in your Table 2 than in Table 1 for -- maybe I
5 misspoke there. I'm flipping back and forth
6 between the two. No. Those are the same, right?
7 So the CVAP for Wisconsin in Table 2 is the same
8 as your CVAP for Wisconsin 2010 in Table 1,
9 correct?
10 A That is correct. As far as I can tell the
11 numbers, the CVAP numbers, are the same for
12 Wisconsin and for Milwaukee County. You will see
13 that reflected in the title of Table 2 that says
14 Wisconsin and Milwaukee County 2010. That was my
15 way of signalling that it was based on the
16 one-year most recent ACS.
17 Q Right.
18 A And then the rest of the title suggests that
19 Assembly Districts 8 and 9 had to be based on the
20 five-year file.
21 Q And then just to go over the remaining cells here
22 that are in Table 2. For the Citizen Population
23 Under 18 in Table 2 in the column for Wisconsin
24 you have 1,319,439. Where does that number come
25 from?

139

1 A That would be -- let me see.
2 Q Is that a straight subtraction?
3 A I don't think so. It doesn't appear to be. I
4 think that would be taken off of the one-year ACS
5 data tables that I had used that we referred to
6 earlier, the ones that were the ACS 2010 tables
7 where I calculated the citizen voting age
8 population. And it appears that what I did was
9 calculate the under 18 population by aggregating
10 the numbers under 18. The problem with
11 subtracting; that is to say if you took Table 2
12 and subtracting total population at the top, that
13 is the 5,686,986 -- that's based on the census.
14 You go down to the Citizen Population 18 and Over.
15 That's based on the ACS. So that's not going to
16 be a precise number. So if you subtract the
17 citizen 18 and over population from the ACS from
18 the total population from the census, you're going
19 to end up with what's called a mongrel number
20 under 18 and it's best to simply go down and
21 compute the under age 18 directly from the ACS
22 numbers that are shown.
23 Q You would be mixing two different data sets?
24 A Yes. You would be in a sense subtracting an
25 orange from an apple and ending up with a fruit

140

1 you didn't have a name for.
 2 Q All right.
 3 A If that makes any sense.
 4 Q So the 1,319,439 number comes from the ACS 2010
 5 table.
 6 A That's my recollection, yes.
 7 Q And then the number of Hispanics? Do you recall
 8 where that number comes from?
 9 A That would be the same source of data, the ACS
 10 citizen population 18 and over and under 18 from
 11 one of the ACS tables that was just for Hispanics.
 12 I think there's one in the deck there that we
 13 looked at.
 14 Q And then the percentage that you have there of
 15 Hispanics, that's just again a straight
 16 calculation?
 17 A It should be, yes.
 18 Q All right. Moving over under the column for
 19 Milwaukee County then, Citizen Population Under
 20 Age 18. Again, are these numbers that come from
 21 the ACS data?
 22 A Yes. The Milwaukee County column would be sourced
 23 from the exact same data tables as the Wisconsin
 24 data except that it would be for a different
 25 geography.

141

1 Q Now, moving to the columns for Assembly District 8
 2 and Assembly District 9, I think we talked a
 3 little bit about these before. You had testified
 4 earlier I believe that the total population
 5 numbers for Assembly District 8 and 9 -- those
 6 were in the table that came from Mr. Handrick?
 7 A Yes.
 8 Q And then we walked through before your
 9 calculations of the other numbers I believe.
 10 A Yes.
 11 Q Let me see if I can find the printout of the
 12 Act 43 demographics spreadsheet. That's back a
 13 few pages. If you go back a few -- you have got
 14 it in front of you. I think I'm getting this. In
 15 your Table 2 if we look at the column Assembly
 16 District 8 and we see the number 57,246 --
 17 A Yes.
 18 Q If we look in the Act 43 Demographics.xls
 19 spreadsheet, that's just a straight number that
 20 comes right from the number for District 8,
 21 correct?
 22 A Yes. And that spreadsheet, the Act 43 spreadsheet
 23 that you're referring to, that is the source of
 24 the data in the two right-hand cells of my
 25 Table 2.

142

1 Q Yes. So what I'm doing is taking a look and just
 2 matching those up. In the Act 43 demographics
 3 spreadsheet we see District 8. There's a
 4 population of 57,246, and that's what you show in
 5 your Table 2 as the total population of Assembly
 6 District 8, correct?
 7 A Correct.
 8 Q So on the spreadsheet if we go down one row to
 9 District 9, we see the population is 57,233, and
 10 that is a number that goes straight into your
 11 Table 2 under Assembly District 9, correct?
 12 A Correct.
 13 Q Then on the spreadsheet if we go over to the row
 14 that says Hispanic, it looks like there is a
 15 number on the spreadsheet of 37,750 for
 16 District 8, correct?
 17 A Correct.
 18 Q And that just went right in your Table 2?
 19 A Correct.
 20 Q And similarly for District 9 there is a number of
 21 Hispanics, 34,647, and that goes right into your
 22 Table 2, correct?
 23 A Correct.
 24 Q And then the percentages -- it looks like
 25 percentages of Hispanic are drawn right from the

143

1 spreadsheet as well, correct?
 2 A Either that or I did the calculation
 3 independently.
 4 Q So if you go -- fair enough. There is a Hispanic
 5 percentage that is identified in the demographic
 6 spreadsheet, correct?
 7 A Yes. And they're equal.
 8 Q The numbers are the same. So regardless of
 9 whether you calculated it or it's in the
 10 spreadsheet, that's what it is, correct?
 11 A Correct.
 12 Q And then the CVAP, we had gone over that before,
 13 and that was from the ACS data, correct?
 14 A For Assembly District 8 and 9, yes.
 15 Q Thank you for the clarification. For Assembly
 16 Districts 8 and 9. And then the citizen
 17 population under age 18? Where did those
 18 calculations come from?
 19 A That would come from the same data that I put
 20 together based on the ACS. In other words, I got
 21 the citizen population and I distinguished the 18
 22 and over from the under 18.
 23 Q Okay.
 24 A That would be the source of the citizen population
 25 under age 18, the ACS 2006 to 2010.

144

1 Q Now, I note that in among the other materials that
2 you have produced are reports prepared by
3 John Diez of Magellan Strategies and Keith Gaddie
4 and also a declaration of Bernard Grofman,
5 correct?
6 A Yes.
7 Q Did you have any input into those reports? Were
8 you asked to review them at all and comment?
9 A I don't have any recollection of reviewing these
10 or being requested to comment on them until after
11 they were filed. I was not requested to make any
12 comment on them, and I don't recall reviewing them
13 until after they were filed.
14 Q Did you speak with Mr. Diez or Professor Gaddie or
15 Mr. Grofman before, Professor Grofman, before they
16 prepared their reports?
17 A I don't have any recollection of talking to any of
18 them except talking to Professor Gaddie at some
19 earlier point but I believe I spoke to him in the
20 context of another case that the two of us were
21 involved in, and I think it preceded this case. I
22 can't say for sure that I had no conversation with
23 him whatsoever. I know that I had no conversation
24 with him about his report. If my conversation
25 that I'm thinking of was about this case, it

145

1 wasn't about his report. I think I was just
2 trying to find out what this case was about. I
3 think that was the topic.
4 Q It looks like there is one other spreadsheet that
5 we haven't gone over. This is in the materials
6 that you produced. This is a document that says
7 at the top Age Standardized Participation
8 Milwaukee County 2010.xls.
9 A Right.
10 Q It's right toward the end of the clipped materials
11 right there.
12 A The paper clipped?
13 Q The binder clipped.
14 A Binder clipped. All right. Yes.
15 Q Can you identify this document for me.
16 A Yes. This is the age standardization that I
17 performed very recently which I mentioned. This
18 is after I filed my rebuttal report.
19 Q Yes.
20 A I performed it just to establish the procedure and
21 my earlier conclusion, to document my earlier
22 conclusion, that the crude registration rates that
23 were used by Professor Mayer in making his
24 comparison of Hispanics and non-Hispanics set up a
25 comparison that was totally uninformative because

146

1 he had failed to standardize on citizenship and
2 also age structure. After I had made that
3 critique of his approach, I decided to perform the
4 age standardization on the most recent election,
5 which was 2010, and show just how much of a
6 difference age standardization made. So I
7 performed this analysis.
8 Q All right. Just take me through this here, what
9 you have done. On the first page I see there's a
10 2010 population for Milwaukee County, correct?
11 A Correct.
12 Q And it's broken out by some age ranges.
13 A Correct.
14 Q And these data are taken from the 2010 census?
15 A These would be from the 2010 census. I cannot
16 tell you -- let me just think for a moment. Yes.
17 These are from the 2010 census. They are broad
18 age categories that you see here, 18 to 24 and 25
19 to 44 and so forth.
20 Q Why are they broken out into those particular age
21 ranges?
22 A I put them together in those age ranges so that
23 they correspond with the registration rates that
24 are shown in the Census Bureau's current
25 population survey on the next page.

147

1 Q So on Page 1 where we see the age range of 18 to
2 24 we see Hispanics 15,384. Where does that
3 number come from?
4 A That would come from Census 2010 Summary File 1 or
5 table -- yes. Summary File 1 Table P12H.
6 Q Which is one of the tables we were just looking
7 at?
8 A I believe so, yes.
9 Q And then for non-Hispanics you have got 92,893,
10 correct?
11 A Yes.
12 Q And where are those data taken from?
13 A That would be subtracting Hispanics from the total
14 population; that is to say the Hispanic population
15 from P12H and subtracting that from the
16 corresponding age ranges for the total population
17 from Table SF 1 to get the non-Hispanic
18 population.
19 Q All right. Now, the total population does not
20 appear in this printout of the spreadsheet.
21 A Correct.
22 Q Is that because it's not sufficiently wide to be
23 able to print it?
24 A No. I don't believe I entered the total
25 population here. I think I had derived the

148

1 Hispanic and non-Hispanic population in another
2 table so I simply entered it in. One could just
3 as easily have entered into the Total Population
4 column, the Hispanic Population column, and then
5 gotten the non-Hispanic by subtraction.
6 Q And then if we move over to the next column to the
7 right it says Relative DIST'N.
8 A Yes.
9 Q What does that indicate?
10 A That is the relative distribution of the Hispanic
11 population and the non-Hispanic population on a
12 percentage basis. So what that table does is it
13 simply calculates from the left-hand table, where
14 I have the numbers -- it calculates that Hispanics
15 18 to 24 constitute 19.67 percent of the total
16 voting age population, non-Hispanics constitute
17 14.65 percent and so on. Hispanics constitute
18 51.89 percent of the population 18 to 24, voting
19 age population 18 to 24 -- sorry. 25 to 44. And
20 the noteworthy point is that when you get up into
21 the 45 to 64, 65 to 74 and the 75 and older age
22 ranges you will note that there is a
23 disproportionate concentration of non-Hispanics in
24 the older age groups. In fact, that's true of all
25 of the age groups above 24. This part of the

149

1 table allows us to discern the differential age
2 structure of the Hispanic and non-Hispanic voting
3 age population.
4 Q But, again, it doesn't necessarily link directly
5 to mortality. There could be other reasons for
6 that disparity; isn't that true?
7 A There are all sorts of reasons, but it is the
8 reality of what is out there now for whatever
9 combination of reasons. Hispanics are
10 disproportionately youthful. Non-Hispanics are
11 disproportionately mature.
12 Q Now, if we turn the page, in the first or over on
13 the left-hand side of the page we see Percent of
14 Population Registered to Vote in 2010; is that
15 correct?
16 A Correct.
17 Q And you say that the source of that is the current
18 population survey, November 2010 Table 2, right?
19 A Correct.
20 Q Is that census data as well?
21 A Well, it comes from the Census Bureau. It's based
22 on the Census Bureau's current population survey.
23 I should say that I think -- I'm not sure if it is
24 exclusively from Table 2. Table 2 I know shows
25 the Hispanic population. I'm not sure if it shows

150

1 both the Hispanic and the non-Hispanic or if it
2 shows the Hispanic and the total, but there is in
3 that -- in that part of the current population
4 survey -- it may be Table 1 or Table 3 that would
5 show the other component. But it is from the
6 November 2010 current population survey, and the
7 column Hispanic that you see there is the percent
8 of the population that is registered to vote by
9 age.
10 Q Now, that's throughout the United States, correct?
11 A Correct.
12 Q Is there any data that are available for Milwaukee
13 County specifically?
14 A Not with this degree of detail, no.
15 Q Turning back to Page 1 where you have got the
16 distribution on a percentage basis. Those are
17 just calculations that you made from the data
18 over -- strike that question. Are these
19 calculations you performed in the distribution
20 specific to Milwaukee County?
21 A No. The right-hand part of the first page, which
22 says Relative Distribution, is based exclusively
23 on the left-hand half of the table which is marked
24 2010 Population Number.
25 Q Right.

151

1 A I'm sorry. I see where the confusion is. I put
2 down here the area is Milwaukee County and the
3 population refers -- the population here is for
4 Milwaukee County. The first page is for Milwaukee
5 County.
6 Q Okay.
7 A Sorry.
8 Q That's all right. It is getting late in the day.
9 It's hard always to follow each other. Turning to
10 Page 2, you have got -- the right side of the page
11 says Percentage of Population Turning Out to Vote
12 2010 U.S., and there are no numbers given.
13 A Just the percentages. In other words, it's what
14 it says in the title. 34.5 -- I'm sorry. On the
15 right-hand side.
16 Q Right-hand side. Yes.
17 A No. I did not fill that in because I was not
18 addressing turnout. I was only addressing
19 registration. That was the only point that was
20 made in Professor Mayer's report.
21 Q All right. And then if we turn to Page 3, on the
22 left-hand side of the page there is a section
23 that's labeled Each Population Registered in
24 Hispanic Rates. Have I read that correctly?
25 A Correct.

152

1 Q What does this portion of the table show?
 2 A This is a hypothetical that basically says what
 3 would the total standardized registration rate,
 4 which is the row at the bottom, be if the
 5 populations had identical age structures. In
 6 other words, they registered at the -- I'm sorry.
 7 I take that back. What would the registration
 8 total standardized registration rate look like if
 9 each population with its different age structure
 10 registered at the rate that one or another group
 11 registered. So if you imagine -- we already
 12 observed Hispanics, the Hispanic population, with
 13 its youthful age structure registering at the rate
 14 that Hispanic do. What would happen if the
 15 non-Hispanic population with its more mature
 16 concentration in the more mature ages registered
 17 at the same rate that Hispanics do age by age.
 18 That's what you see on the left-hand half of the
 19 table. On the right-hand half the question is
 20 what would the total standardized registration
 21 rates be if the youthful Hispanic population were
 22 to register at the rates that non-Hispanics are
 23 observed to register age by age. So you can
 24 simulate either world, whichever one you want.
 25 But for my purposes the conclusion that it

153

1 supports is by comparing the observed difference
 2 on Page 2 between 51.6 total and 66.6 total, which
 3 is roughly exactly a 15 percentage point
 4 differential, and noticing that if one
 5 standardized on age the differential shrinks to
 6 approximately four percentage points or three
 7 percentage points, three to four percentage
 8 points -- three percentage points basically
 9 between 50.6 and 53.6 or between 62.6 and 65.6.
 10 So the actual difference, which is a 15 percentage
 11 point difference between Hispanic and non-Hispanic
 12 registration -- one can say that somewhere around
 13 a quarter or a fifth or I should say
 14 three-quarters of four-fifths of the difference
 15 that one observes is simply due to the different
 16 age structures of the population, not to a
 17 dramatic -- and is therefore not a dramatic
 18 differential as Professor Mayer makes it out to
 19 be.
 20 Q All right. This was to rebut the points that
 21 Dr. Mayer had made in his expert report?
 22 A It was simply to try to quantify how important age
 23 standardization was, and in this case it is of
 24 overwhelming importance and renders his conclusion
 25 regarding the differential between Hispanic and

154

1 non-Hispanic registration meaningless to me for
 2 reasons I set forth in my rebuttal report.
 3 Q And then finally the last page or Page 4 of this
 4 age standardized participation spreadsheet
 5 pertains solely to voting and you didn't look at
 6 voting?
 7 A I did not look at voting, but the spreadsheet is
 8 there. In the event that one wants to pursue that
 9 question, one would put in the numbers and be able
 10 to answer the questions in the same way based on
 11 the percentage of registrants who turned out again
 12 adjusting, standardizing for age differences.
 13 Q You can put that document to the side. The very
 14 last document that you produced or brought with
 15 you here today was a December 14th letter to
 16 Mr. Hodan attaching an invoice, correct?
 17 A Correct.
 18 Q All right. Did you have any kind of an engagement
 19 agreement or retention letter for your work in
 20 this case?
 21 A I think I have an E-mail that basically said this
 22 E-mail is to inform you that we want to retain
 23 you. It was the barest bones of E-mail retention
 24 letter, but it sufficed for my purposes.
 25 Q Do you know if that's something that's in here,

155

1 the documents?
 2 A It should be. I know I E-mailed it to Mr. Hodan
 3 and said here is one of the E-mails.
 4 Q Do you know the timing when you were retained?
 5 A It probably would have been late November, early
 6 December.
 7 Q I don't see anything in here. Perhaps it's
 8 somewhere.
 9 MR. EARLE: I've seen it in here.
 10 MR. POLAND: You saw it on the
 11 thumb drive?
 12 MR. EARLE: Yes.
 13 MR. POLAND: Mr Earle believes that
 14 he saw it on the thumb drive.
 15 Q To the best of your recollection it was sometime
 16 in late November?
 17 A Somewhere. I don't really recall when it was. It
 18 would be in the fall. That would be my surest
 19 answer.
 20 Q So it was Mr. Hodan who retained you; is that
 21 correct?
 22 A That's my recollection.
 23 Q That E-mail from Mr. Hodan with the engagement
 24 letter, was that the first time that you had had
 25 any communications with anybody about working as

156

1 an expert in this case?
 2 A Yes.
 3 Q What were you asked to do when Mr. Hodan contacted
 4 you initially?
 5 A I don't have a clear recollection other than I
 6 think it was vaguely worded we need to have a
 7 demographic analysis of the Hispanic population in
 8 Wisconsin and in Milwaukee and in the Milwaukee
 9 area and especially in two assembly districts.
 10 That was to me a vague kind of statement, but I
 11 knew more or less what it involved and I knew it
 12 meant several levels of geography and it meant
 13 several points in time. I believe there was some
 14 mention of the citizen voting age population to
 15 which I'm sure I would have said that will require
 16 using the American Community Survey which
 17 immediately makes it more than a trivial task.
 18 Q Did Mr. Hodan give any materials to you when he
 19 first contacted you?
 20 A I think I may have asked him for the complaint.
 21 My usual practice is to say would you please
 22 E-mail me the complaint so I know what the case is
 23 about and then I'll look it over and I'll let you
 24 know if my expertise fits with your needs.
 25 MR. KELLY: Doug, just so we're all

157

1 clear on where you're going, my understanding
 2 is that the areas of inquiry where you can go
 3 in deposing an expert witness is to look for
 4 assumptions that he's been provided and the
 5 data that he's been provided in terms of
 6 retention and that beyond that inquiries into
 7 his conversations with counsel are not
 8 discoverable.
 9 MR. POLAND: I would completely
 10 disagree. What's not discoverable under
 11 Rule 26 are draft expert reports, and that
 12 was just codified into the rule this year.
 13 Otherwise anything and everything -- for a
 14 testifying expert it is very different than
 15 consulting experts.
 16 MR. EARLE: I would add that I have
 17 never heard such a rule either in all of my
 18 years of practice.
 19 MR. KELLY: Well, it's new, so all
 20 of your years of practice wouldn't cover it.
 21 MR. POLAND: Well, all that is new
 22 is it's just with respect to draft reports.
 23 So draft reports and communications about
 24 draft reports are not discoverable. Those
 25 are carved out. That is the new rule. But

158

1 otherwise communications and --
 2 MR. EARLE: It doesn't apply to
 3 reliance material and material requested.
 4 It's reliance material.
 5 MR. KELLY: Reliance material is
 6 fine.
 7 MR. EARLE: Communication with
 8 counsel regarding the retention?
 9 MR. POLAND: Sure. All that stuff
 10 is fair game.
 11 MR. KELLY: With respect to
 12 reliance material?
 13 MR. POLAND: With respect to
 14 anything other than draft reports. Draft
 15 reports is the only thing that's carved out
 16 under the new rule.
 17 MS. LAZAR: We will see where you
 18 go.
 19 MR. POLAND: That's fine. You can
 20 pull out a rule book and take a look. It's
 21 right in the text. It's pretty easy.
 22 MR. KELLY: I know the rule.
 23 Q Are all of the materials that you have received
 24 from Mr. Hodan or Ms. Lazar or Mr. Kelly or anyone
 25 working with them in this lawsuit reflected in the

159

1 materials either that you have produced today or
 2 that Mr. Kelly attached in his December 28th
 3 letter to me which is Exhibit 52 to the best of
 4 your knowledge?
 5 A To the best of my knowledge everything is in those
 6 two components that you have.
 7 MS. LAZAR: My apologies. Did you
 8 mention the thumb drive?
 9 Q And the thumb drive too which has been marked as
 10 Exhibit 50?
 11 A Correct. That is what I was including in my
 12 statement.
 13 Q So there is nothing that you relied on or
 14 considered that hasn't either already been
 15 produced, or, in the case of materials like
 16 commonly available journal articles and things
 17 like that that you have cited you have identified
 18 them. You haven't produced actual copies which is
 19 fine, but you have identified them. There's
 20 nothing that you haven't produced to us or made
 21 available to us?
 22 A You are correct, yes.
 23 Q Who have you spoken with in any capacity in
 24 connection with your work in this case?
 25 A I have spoken with I think my GIS person who I

160

1 asked to I guess somehow draw a picture of what
2 the districts looked like before I actually had a
3 cleaner version of what the census tracts were.
4 I've talked to my technical person who is a former
5 Census Bureau employee about accessing the
6 American Community Survey data. I think I spoke
7 with one of my co-authors with whom I've authored
8 many articles about the geographers' definition of
9 an ethnic enclave because I wanted to assure
10 myself that I was using the term properly. I
11 think that's -- I don't think I've spoken with
12 anybody else other than my wife.
13 Q The GIS person and the person that you described
14 as your technical person, are those people that
15 you either use as subcontractors or that are
16 employed by you?
17 A They're not employed by me. They're people with
18 whom I've worked, and I occasionally call on them
19 to do a particular technical task. I don't do the
20 GIS stuff because I have neither the equipment or
21 the knowledge. It's a very specialized thing.
22 But I know how GIS works. Typically when you get
23 to something like the ACS data, you are better off
24 if you're working with the advice of a technical
25 person especially in my case being fortunate

161

1 enough to have a person who was a former Census
2 Bureau employee who did this full-time, knows
3 where the data are, what the limitations are, how
4 to access them so I can work off of that person
5 and usually I'll just delegate the task and say
6 here is what I want. I want this kind of a table
7 derived from the ACS 2010 or the 2006-2010 and I
8 want to calculate the possible high level possible
9 low level. I want to show the margins of error,
10 et cetera. That's where I get that information
11 from. It's not an easy task.
12 Q Are the two people that you mentioned, the GIS
13 person and the technical person -- were they
14 essentially working under and working at your
15 supervision and direction?
16 A Absolutely, yes.
17 Q Were they exercising or making decisions based on
18 their own independent judgment separate and apart
19 from what you had discussed with them?
20 A No. Not at all. I tell them exactly what I want
21 and I say I know it's there. Put it together this
22 way and then show it to me and then I want to see
23 that from my standpoint it all adds up to what it
24 should add up to.
25 Q Is there any work that you're aware of that they

162

1 did in terms of calculations or what I'll call
2 primary work that isn't reflected in your report
3 or in the materials that you have produced today?
4 A None whatsoever, no.
5 Q Now, you mentioned co-authors also that you spoke
6 to.
7 A Yes.
8 Q Who are the co-authors that you're referring to?
9 A I have in mind Professor William Clark at UCLA.
10 Q Anyone else?
11 A No. That's the only one.
12 Q I know that we're going to have to change a tape
13 in just a minute here. Let me just ask you
14 another question. I understand you spoke with
15 those people. What other people have you spoken
16 with? I would assume you have spoken with
17 Mr. Hodan, correct?
18 A Yes.
19 Q All right. Did you speak with Mr. Kelly about
20 your work?
21 A Not until yesterday.
22 Q That was the first time you had spoken with
23 Mr. Kelly about your work in this case?
24 A I believe so, yes. I don't believe I had -- I
25 don't recall having any contact with him

163

1 whatsoever except he may have been CC'd on some
2 E-mails that were sent to me. That's where I
3 first saw his name. I don't have any recollection
4 of having any direct contact with him until
5 yesterday.
6 Q What about Ms. Lazar? Have you spoken with
7 Ms. Lazar?
8 A I met her for the first time yesterday too.
9 Q Any other lawyers that you have spoken with about
10 your work in this case?
11 A Not that I can recall.
12 Q All right.
13 A No.
14 Q Have you spoken with Mr. Troupis about your work
15 in this case?
16 A I don't know who he is.
17 Q All right. What about Mr. McLeod?
18 A Never heard of him.
19 Q Have you spoken with Joe Handrick about your work
20 in this case?
21 A I haven't spoken with him. I simply sent him a
22 one-way E-mail saying I need these data. Can you
23 get them. In that sense he spoke back and said
24 here they are.
25 Q And how did you know to contact Mr. Handrick?

164

1 A I believe I was either referred to him directly by
2 Mr. Hodan or he passed on my request to this GIS
3 person that they have.
4 Q When you say the GIS person that they have?
5 A The name you just mentioned. I forget. Kendrick
6 was it?
7 Q Mr. Handrick?
8 A Handrick.
9 Q So you have never spoken with Mr. Handrick
10 actually either in person or by phone?
11 A I think I spoke with him once by phone. Now that
12 I think of it, I think there may have been a one
13 time -- it was either a phone call or an E-mail
14 where I said let me just tell you directly from
15 the horse's mouth what I want. I don't want it to
16 go through a lawyer who will communicate to you
17 possibly miscommunicating exactly what I want
18 because part of what I wanted was dependent on
19 what he had. I said do you have the data
20 classified this way. If you do, that's what I
21 want. I said just send it to me however much
22 detail there is by race and ethnicity. Whatever
23 it is, I want to have it as fully detailed as are
24 available and I realize that it may not meet all
25 of my needs but whatever it is I want to see it.

165

1 MR. POLAND: We're going to have to
2 stop there to change the tape.
3 (Recess)
4
5 EXAMINATION
6 By Mr. Earle:
7 Q Dr. Morrison, I'm going to jump around a little
8 bit and ask some spotted questions. Hopefully
9 that won't discombobulate this process.
10 Could you explain to me how you think that
11 Dr. Mayer committed an error or was wrong in any
12 way in his ecological inference analysis with
13 regard to racially polarized voting.
14 A His analysis is based on flawed data.
15 Q Explain to me how it's flawed. Where is the flaw
16 in the data?
17 A He has miss measured the Hispanic share of the
18 registrants at the precinct level.
19 Q Now, as I understand your report, what you
20 criticize is his use of Spanish surname data; is
21 that correct?
22 A I pointed out that he used the wrong Spanish
23 surname list.
24 Q And how does that affect his ecological inference
25 analysis of racially polarized voting?

166

1 A It results in his having miss measured the
2 Hispanic share of the registered voters at the
3 precinct level.
4 Q How?
5 A Because he failed to detect all of the registrants
6 who were Hispanic.
7 Q And it's your understanding that he went through
8 and identified all of the registrants who are
9 Hispanic erroneously? Is that what you're saying?
10 A He used the wrong list to identify them.
11 Q You use a list with 12,000 -- how many people?
12 12,497 Spanish surnames?
13 A That's correct.
14 Q And just so I understand, Dr. Mayer used a list of
15 639 surnames, correct?
16 A Correct.
17 Q Now, the incidence of these surnames varies
18 statistically, correct?
19 A What do you mean the incidence?
20 Q The incidence of their usage in a given
21 population.
22 A Yes. It does.
23 Q So you take a given population of a thousand
24 people who are of Latin American national origin
25 with Spanish surnames, the percentage of those

167

1 folks who have the name Hernandez is going to be
2 larger than the percentage of those who have a
3 rare Spanish surname, correct?
4 A Correct.
5 Q And for some of the rare Spanish surnames the
6 statistical incidence rate in a given population
7 is going to be infinitesimal; isn't that correct?
8 MR. KELLY: Objection, form.
9 Q You can answer the question.
10 A Some surnames under your hypothetical would be
11 infinitesimally frequent, yes.
12 Q Frequent?
13 A Infrequent.
14 Q And as a person who has indicated, as you have,
15 that you are familiar with the literature in this
16 area, you're aware that you can actually acquire
17 some data as to the incidence of these names,
18 correct?
19 A I myself cannot acquire those data, but the Census
20 Bureau uses those data to construct its surname
21 list.
22 Q And you're not aware of any data that indicates
23 that certain names are used more frequently than
24 other names?
25 A I am aware of the data.

168

1 Q Did you make any effort to quantify what you think
2 the consequence of Dr. Mayer using 639 names as
3 opposed to 12,497 names would be?
4 A I have not yet done so. The only way to do so
5 would be for me to obtain his raw data and
6 correctly identify Spanish surname persons using
7 the full Census Bureau list. I could then compare
8 the data that he tabulated by precinct with the
9 data that I would have tabulated by precinct, and
10 that would allow me to assess the degree of error.
11 Q All right. In a population of 57,246, how
12 consequential is it to use a list of 12,497 names
13 as opposed to 639 names?
14 A How consequential would it be?
15 Q Yes.
16 A I think it would be consequential enough to be of
17 concern if one were using the data for the
18 purposes that he used them.
19 Q What's the range of impact?
20 A I could not estimate it unless I did the analysis
21 that I just referred to.
22 Q So if Dr. Mayer erred in this regard, you don't
23 know by how much he erred?
24 A I know that he erred. I don't have any knowledge
25 as to how much of an error or how consequential

169

1 the error would be for his statistical analysis,
2 but I'm confident that the error would make a
3 difference.
4 Q But that last point is a critical point. You are
5 not in a position to provide reliable sworn
6 testimony to a reasonable degree of empirical
7 certainty as to the degree of error Dr. Mayer's
8 analysis if there is any.
9 A I am not in a position to say how large the error
10 is but only to say that I believe his analysis is
11 deeply flawed by having used the wrong surname
12 list.
13 Q You're not in a position to say how consequential
14 any error would be?
15 A Not yet.
16 Q Well, you have had plenty of time. You provided a
17 rebuttal report in which you criticized this.
18 A I don't have his raw data, though. I would be
19 happy to replicate this analysis if I were
20 provided with the data that he used and that would
21 settle the matter one way or the other before
22 trial.
23 Q Now, once again, we're dealing with -- in the 8th
24 assembly district we're dealing with 57,246
25 individuals, correct?

170

1 A I'll take your word for that, yes.
2 Q I'm reading it off of your chart, Table 2.
3 A Of my first report?
4 Q Yes. In that population how many people do you
5 think have the name Palou, P-a-l-o-u?
6 A I have no idea.
7 Q Would you recognize the name Palou, P-a-l-o-u, as
8 a Latino Spanish surname?
9 A I would have to look at the Census Bureau's list
10 to see if that's on it. It sounds possible.
11 Q It sounds possible. All right. How about the
12 name Biar, B-i-a-r? What do you suppose the
13 incidence rate of the people with the name Biar is
14 in a population of 57,246?
15 A I could only speculate. I have no idea.
16 Q Now, your database -- are you able to identify and
17 figure out from that -- if that name, B-i-a-r, is
18 on your list of 12,497 names, would you be able to
19 figure out what the incidence rate is for that
20 name?
21 A Not the incidence rate. I would be able to
22 ascertain whether or not it was on the list.
23 Q If it were on the list, would you be able to
24 figure out or tell us the statistical significance
25 of having or not having that name on the list?

171

1 A I could state with confidence that if that name
2 were on the Census Bureau's list of Spanish
3 surnames the incidence was high enough for the
4 Census Bureau to include it on the list as a
5 surname that was capable of detecting persons of
6 Hispanic origin.
7 Q What degree of probability?
8 A I don't know what that degree is, but I know it
9 was one that equalled or exceeded the threshold
10 that the Census Bureau used to establish its list
11 for purposes of detecting persons of Hispanic
12 origin.
13 Q What is that threshold?
14 A Pardon me?
15 Q What is the threshold?
16 A I don't have it on the top of my head, but it is
17 documented in one of their research papers.
18 Q So would you agree with the idea that the size of
19 the list of Spanish surnames needs to have some
20 degree of relationship to the size of the
21 population you're trying to assess?
22 A No. I would not agree with that.
23 Q Have you ever met a Spanish surnamed person with
24 the name Lao, L-a-o?

25 MR. KELLY: Objection, form.

172

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 A I don't recall doing so, no.

2 Q Do you believe the name Lao, L-a-o, is a Spanish

3 surname?

4 A I would have to check to see whether it's on the

5 list of Spanish surnames.

6 MR. KELLY: Are we going to go

7 through all 12,000 names?

8 MR. EARLE: No, we're not. I have

9 a few examples I just wanted to get on the

10 record.

11 Q How about the Spanish surname Nin, N-i-n?

12 MR. KELLY: Objection, form.

13 A I don't know whether it's on the list or not.

14 Q Well, I'll represent to you I read it on the list.

15 Do you have any idea what the incidence rate is

16 for Nin?

17 A Are you saying you found it on the list of 12,000

18 odd Spanish surnames?

19 Q Yes.

20 A Okay. Do I have any idea what the incidence is?

21 Q Right.

22 A The incidence is equal to or greater than the

23 threshold that the Census Bureau used to establish

24 the list for purposes of detecting persons of

25 Spanish origin.

173

1 Q What is the outside range of inaccuracy that you

2 anticipate Dr. Mayer could have as a result of

3 having used the list of 639 Spanish surnames?

4 A I have no basis for speculating on that until I

5 replicate his analysis with the correct list.

6 Q Now, on the second page of your rebuttal report --

7 MS. LAZAR: A note for the record.

8 That's not in as an exhibit. If you would

9 like it to be, we could do that. Otherwise

10 you're asking him to see something that's not

11 marked as an exhibit.

12 MR. POLAND: Let's mark it.

13 MS. LAZAR: It will be 53.

14 (Exhibit No. 53 marked for

15 identification)

16 Q First of all, when I was reading the report, I

17 came on -- at the very bottom Paragraph 8 there's

18 a parenthesis. Dr. Mayer's abbreviated list of

19 639 most frequently occurring heavily Hispanic

20 surnames comprises only 1/20th of this list. What

21 is the significance of the fact that it's only

22 1/20th if it's the most heavily occurring names?

23 A 1/20th strikes me as a miniscule fraction. Even

24 though it is very possibly the most heavily

25 Hispanic 1/20th, it does leave out 19/20ths of the

174

1 names that were sufficiently heavily Hispanic for

2 the Census Bureau to use them in its full list.

3 Q Again, proportionality means nothing to you in

4 drawing your conclusions in this regard with

5 regard to --

6 MS. LAZAR: Objection,

7 argumentative.

8 MR. EARLE: Let me finish the

9 question first. I'll take your objection in

10 anticipation of my question so it's on the

11 record.

12 Q So as far as you're concerned the incidence rate

13 of frequently used names like Orosco, Hernandez,

14 Rodriguez, names that you see over and over and

15 over again -- that the incidence rates of those

16 names as opposed to the rarely used names at the

17 bottom of the Census Bureau's list of 12,000 --

18 that difference doesn't matter to you in your

19 analysis?

20 MS. LAZAR: Objection. Assumes

21 facts not in evidence that the 19/20th of the

22 names are rarely used.

23 Subject to that you may answer.

24 MR. EARLE: Stop with the speaking

25 objections.

175

1 A I didn't say what you just said. I didn't speak

2 the words that you put in my mouth. I didn't say

3 that.

4 Q Then fix it for me.

5 A I have no way of knowing how important or

6 unimportant it is to leave out 19/20ths of the

7 surnames that the Census Bureau carefully selected

8 in order to detect the Hispanic population of the

9 United States. My judgment professionally is that

10 leaving out 19/20ths of the surnames that the

11 Census Bureau intended to be used constitutes a

12 serious problem.

13 Q Then I guess I want to just ask you some questions

14 about Paragraph 14. I don't understand what you

15 were trying to do in Paragraph 14. I noticed

16 there was a chart in here as well somewhere. You

17 say, "Suppose we have 1,000 voters in a precinct,

18 of whom 100 are Spanish surnamed. The Census

19 Bureau's exhaustive research into its list of

20 12,497 Spanish surnames provides the necessary

21 parameters for a demographic estimate.

22 Specifically, the number of Hispanic voters

23 amongst these 1,000 voters consists of, A, the 86

24 of the 100 SSNs who are Hispanic plus, B, the 222

25 non-SSNs who are Hispanic for a total of 308

176

1 Hispanic voters among the 1,000 voters." Did I
2 read that correctly?
3 A I believe you did, yes.
4 Q What are you trying to say there?
5 A What I'm saying is that there are false positives
6 and false negatives. It's not what I'm trying to
7 say. What I've said is that anyone who has read
8 the Perkins 1993 article that is cited at the back
9 of my report would be able to see that for this
10 hypothetical illustration the fractions that one
11 uses to compute false positives and false
12 negatives would lead to these conclusions and that
13 the simple equation of 10 percent Spanish surnamed
14 equals 10 percent Hispanic is a serious error when
15 in fact the best demographic estimate is
16 10 percent Spanish surname really means 31 percent
17 Hispanic.
18 Q You're saying that that 31 percent of the people
19 who have a Spanish surname are Hispanic?
20 A No.
21 Q What are you saying?
22 A I'm saying if 10 percent of the 1,000 voters in a
23 given precinct have Spanish surnames, the best
24 demographic estimate of the Hispanic share of
25 those voters is 31 percent based on the parameters

177

1 for Wisconsin.
2 Q Let's go through that. I'm slow. You have taught
3 classes. Perhaps you have taught a remedial
4 class. Here is an opportunity to do it again.
5 A All right.
6 Q I didn't get what you just said.
7 A Okay. I've not taught any remedial classes, and I
8 don't think that you fall into that category. Let
9 me explain because it is a tricky calculation.
10 Q But I would suggest you approach this with
11 patience.
12 A If you have 100 persons with Spanish surnames, the
13 Perkins paper says that you can expect 86 of those
14 Spanish surnamed persons to be persons who -- I
15 should say he measured the percentage of persons
16 with Spanish surnames who checked the Hispanic box
17 on the census and found that 86 of those 100 were
18 Hispanics. That leaves 14 people with Spanish
19 surnames who did not check the box and that would
20 be for example in the illustration I used the
21 person who is Joan Smith who says my name is Joan
22 Smith but I've recently married Mr. Gomez and so
23 my name as a registered voter is Joan Gomez but
24 I'm a person who did not check the Hispanic box.
25 So even though I have the surname Gomez, I'm not

178

1 Hispanic. I did not check the box Hispanic on the
2 census. That's an example of a false positive.
3 We know that there is a false positive rate of
4 14 percent among people who have Spanish surnames.
5 Have you got that concept?
6 Q Okay.
7 A All right. Now the converse is if you have 900
8 persons who have surnames that are not on the
9 Spanish surname list, there may still be among
10 them persons who have checked the Hispanic box on
11 the census. The Perkins research shows that in
12 this example that I've used you could expect 222
13 of those persons who do not have a Spanish surname
14 to be people who had checked the Hispanic box on
15 the census. That could be either persons who had
16 a very rare Spanish surname that was not on the
17 list --
18 Q Mr. Lao?
19 A If Lao is not on the list but Mr. Lao checked the
20 Hispanic box, then that would be an example of a
21 false negative.
22 Q Okay.
23 A And if, as I used in the illustration here --
24 Q Don't go to the next thing here. Let's stay
25 there. Of those 900, 222 who have non-Spanish

179

1 surnames who you say are Hispanic or Latino --
2 A Who Perkins' research shows would be an estimate
3 of the number who are in fact people who checked
4 the Hispanic box.
5 Q So it is the 31 percent?
6 A It's the 222 plus the 86 that adds up to 308.
7 Q Which is 31 percent?
8 A 31 percent.
9 Q So where does the data come from? Where does
10 Dr. Perkins get his data that indicates that on
11 average 222 non-Spanish surname individuals out of
12 a population of 900 who have no Spanish surnames
13 are going to be Latino?
14 A The answer to your question -- the short answer is
15 Mr. Perkins, who did this research as a Census
16 Bureau employee for the Census Bureau using
17 internal data sources that only he had access to,
18 published the results. The long answer is where
19 did he get the data from. It's set forth in his
20 1993 article at the end called Evaluating the
21 Passel and Word Spanish Surname List. It's a
22 technical working paper that the Census Bureau
23 issued.
24 Q So from this we would assume that -- what
25 percentage is 222 of 900?

180

1 A That would be the false negative rate. I don't
2 know what the percentage is offhand. It
3 corresponds to a parameter that is shown in the
4 Perkins paper for the State of Wisconsin.
5 Q And you would come to Milwaukee with a straight
6 face and say that is reliable to calculate on that
7 ratio the percentage of the Latino population of
8 this city amongst those people who do not have
9 Spanish surnames?
10 MR. KELLY: Objection, form.
11 A I would say it is the most reliable estimate of
12 the Hispanic share of the registrants in a
13 particular precinct where only 10 percent of the
14 surnames were on the Spanish surname list.
15 Q Put aside the 10 percent Spanish surname component
16 of this. We're focused on this idea that if you
17 have a specific number of non-Spanish surnamed
18 individuals, in this case 900 -- let's make it
19 9,000. Let's make it 90,000. All right? In
20 Ozaukee County in the State of Wisconsin not one
21 Spanish surname -- we would have 90,000 people
22 with non-Spanish surname last names. You're going
23 to tell me that that ratio will hold as to the
24 Hispanic population in Ozaukee County?
25 A Not in a situation where you have only 900,000
181

1 persons not on the Spanish surname list and no
2 persons with Spanish surnames. You have to
3 understand the condition that I've imposed here is
4 an election precinct in which 10 percent have
5 Spanish surnames and 90 percent don't. If you say
6 I have a precinct in which 0 percent have Spanish
7 surnames and 100 percent do not, that would come
8 out with a different number.
9 Q Let me approach this a little bit differently.
10 I'm really struggling with this concept. The 8th
11 assembly district as drawn by Act 43 in the
12 southern census tracts north of Howard, the bottom
13 boundary of the 8th assembly district -- some of
14 those census tracts have 20, 30 percent,
15 10 percent Hispanic population according to the
16 data.
17 A According to the census data or according to --
18 Q According to the census data.
19 A The Census 2010 tells us what percentage of the
20 population is Hispanic.
21 Q It is what it is. Let's just say
22 hypothetically -- I don't know this for a fact. I
23 don't have the numbers in front of me. Let's say
24 hypothetically one of those census tracts is
25 10 percent Hispanic, one of those census tracts is
182

1 20 percent Hispanic, and one of those census
2 tracts is 30 percent Hispanic. I'm sure there's
3 some in those ranges down there. Is it your
4 testimony that based on your reliance on this
5 Perkins article that in those census tracts the
6 number of Hispanics is going to exceed the Spanish
7 surnamed population?
8 A Yes, but by a diminishing amount as your
9 hypothetical envisions a different makeup. So the
10 10 percent Spanish surnamed precinct compared to
11 let's say the 30 percent Spanish surname precinct
12 -- they are not going to go up at the same level
13 in those two precincts because of the nature of
14 the combination of 10/90 versus 30/70.
15 Q Okay. So where is the tipping point?
16 A I don't know where the tipping point is, and I'm
17 not sure whether there is a tipping point. I know
18 that the percentages will be more nearly equal at
19 about 50 percent. So if you have 50 percent
20 Spanish surname, the percent Hispanic, according
21 to these parameters, will not be anywhere near as
22 different than the difference that you see at the
23 extremes of 10 percent that I've used in this
24 example.
25 Q So in a census tract that is 50 percent Hispanic
183

1 according to Perkins it would be 100 percent
2 Hispanic?
3 A No. That's exactly the opposite of what I'm
4 saying. What I'm saying is if it was 50 percent
5 Spanish surnamed, it might well be 53 percent
6 Hispanic using the parameters that Perkins gives
7 us.
8 Q But if it's 10 percent Hispanic, it's going to be
9 31 percent?
10 A Whatever I showed here. 31 percent. Yes. That's
11 the best estimate for Wisconsin. It differs from
12 state to state.
13 Q All right. Understood. Paragraph 19 --
14 MR. EARLE: I'm going to stop.
15 Let's go off the record.
16 (Discussion off the record)
17
18 RE-EXAMINATION
19 By Mr. Poland:
20 Q Dr. Morrison, do you still have Exhibit 53 in
21 front of you?
22 A I do.
23 Q I would just like to ask you a little bit more
24 about Exhibit 53. We're going to go to
25 Paragraph 8 which is the surname list that
184

1 Mr. Earle was asking you about previously. You
2 identify the list that you use which is a list
3 created by the U.S. Census Bureau in 1980,
4 correct?
5 A Correct.
6 Q Now, you say in your rebuttal report that's
7 composed of 12,497 Spanish surnames used to
8 identify persons of probable Hispanic origin,
9 correct?
10 A Correct.
11 Q What does that mean, the use of the word problem
12 mean?
13 A It means that not everyone with a Spanish surname
14 is a person who checks the Hispanic box.
15 Q So even using that list you're going to generate
16 some false positives and some false negatives,
17 correct?
18 A Using that list you're going to generate some
19 false positives, and people not on the list will
20 result in false negatives. In other words, the
21 list of Spanish surnames only creates false
22 positives. It cannot create a false negative
23 because if you're on the list, you cannot be
24 classified as non-Hispanic. You are classified as
25 Hispanic, but you may not be Hispanic. That's

185

1 what is called a false positive.
2 Q Right. And a false negative --
3 A A false negative would be if your name is not on
4 the list but you're still Hispanic. The fact that
5 your name was not on the list and you were deemed
6 to be non-Hispanic was a false negative because in
7 fact you were positive, you were Hispanic.
8 Q That can't happen using the list of 12,497 Spanish
9 surnames?
10 A It's a logical impossibility using the list. You
11 can only use any name other than what's on the
12 list to discern false negatives.
13 Q Now, the use of the word probable, does that -- is
14 there any kind of qualitative or quantitative
15 assessment of what it means by probable?
16 A I believe that is the exact term that the Census
17 Bureau used in its documentation to imply that
18 probable Hispanic -- probable enough to be useful
19 from a statistical standpoint. It's their term,
20 not mine.
21 Q But we don't know what it means in terms of the
22 likelihood?
23 A I know that they have established statistical
24 thresholds in their paper. I don't know what they
25 are. But that's their basis for using the term

186

1 probable as a way of conveying likely enough to be
2 helpful in identifying people.
3 Q In the list of surnames does it -- unfortunately
4 we don't have a printout of those surnames or the
5 1980 paper. Is there an attribution of the
6 percentage that are Latino with those particular
7 surnames?
8 MS. LAZAR: Which list of surnames?
9 MR. POLAND: The 12,000. We're
10 still on the 12,497.
11 A No. It is simply a binary distinction. The name
12 is either on the list or not on the list.
13 Q So there's no attribution as to what percentage of
14 the people with those names are actually Latino?
15 A Correct. I think there is something in the
16 internal census documentation, possibly in the
17 external research, that describes the minimum
18 threshold for inclusion. But I don't think that
19 every surname itself has a percentage detection
20 rate, if you will, attached to it.
21 Q Do you know if there is anything that has been
22 created that would show of those surnames that
23 appear on the list of 12,497 names what percentage
24 of those names are actually held by people of
25 Hispanic origin?

187

1 A I think the overall percentage would be the false
2 positive and false negative rates that I cited for
3 the State of Wisconsin. I'm not sure what else is
4 available. I know there's more detail, and I'm
5 not sure how much of it was published as opposed
6 to simply used as a way of refining the list.
7 Q Now, has there been any efforts to update that
8 list of 12,497 Spanish surnames?
9 A No. The list that we're referring to here of
10 12,497 is unique in that it has been extensively
11 studied and researched and all of its detection
12 characteristics have been documented. To my
13 knowledge there is no other list that the Census
14 Bureau has or has created that has those
15 characteristics. I know that if they had studied
16 a more recent list as extensively they would have
17 published it. They have I think done additional
18 studies to confirm that the 1980 list that they
19 established still works at least as well if not
20 better in more recent times than it did when they
21 first created it. I believe that was the basis
22 for their maintaining it and not replacing it with
23 a new list that had been essentially updated.
24 Q What additional studies have been done to look
25 into the issue of Spanish surnames and connecting

188

1 those with people of Hispanic origin?
 2 A I know that there are some papers on the Census
 3 Bureau website. At least one of them is the paper
 4 that is cited as Passel and Word, 1980. I don't
 5 know if there are other more recent studies. I
 6 know that the Perkins 1993 one is the last one
 7 that I had seen that has been done internally
 8 within the bureau. I personally had conversations
 9 with David Word, who is the co-author of and in
 10 fact one of the people who created the original
 11 list. I had conversations with him as recently as
 12 the middle of the 2000 years after the 2000
 13 census, and he said that the original list was
 14 remarkably intact 20 years later. I know that the
 15 Census Bureau has created other lists and it has
 16 said, for example, here is a list of the -- which
 17 I think is what Dr. Mayer used. Here is a list of
 18 the 639 most frequently occurring heavily Hispanic
 19 surnames for people who want heavily Hispanic
 20 heavily occurring ones, but I do not believe that
 21 they have published the same degree of detection
 22 characteristics. They simply say if you want to
 23 know which names are most frequently occurring,
 24 then here are the top ones in the same way that
 25 you could say what are the ten most frequent

189

1 Hispanic surnames or what is the most frequently
 2 occurring Spanish surname. One could pick any
 3 criterion one wants, but these other variants of
 4 it have not been studied. I have no idea what the
 5 performance characteristics are of the 639 most
 6 heavily Hispanic surnames would be in detecting
 7 all of the Hispanics.
 8 Q So in your opinion the list from 1980 that you
 9 used -- that's still considered the gold standard;
 10 is that correct?
 11 A I would say it is the only suitable one for
 12 estimating what we want to estimate in this
 13 context.
 14 Q Do you know the assumptions that went into making
 15 up that list?
 16 A I know that there are established statistical
 17 standards, and I suspect that one could dig down
 18 beneath them and find assumptions in the text, the
 19 technical text, that describes how the research
 20 was done. I don't think that there are -- I don't
 21 think that there are any obvious assumptions other
 22 than the recognition of the fact that the list has
 23 false positives and not being on the list has
 24 false negatives and that these have been
 25 quantified. So the assumption one would make is

190

1 that if you know what those parameters are for the
 2 United States and then you know what they are for
 3 an individual state such as Wisconsin, the
 4 assumption would be that the tailored parameters
 5 found to apply in the State of Wisconsin are the
 6 ones one ought to use rather than for the nation
 7 as a whole.
 8 Q Now, on Appendix A of your rebuttal report, which
 9 is Exhibit 53, you identify a publication by
 10 Passel and Word, correct?
 11 A Yes.
 12 Q And that has to do with constructing a list of
 13 Spanish surnames for the 1980 census, correct?
 14 A Correct.
 15 Q And Mr. Word is the person in the Census Bureau
 16 that you spoke with before?
 17 A I spoke with him prior to his retirement. It
 18 would be somewhere around 2004, 2005. I've done
 19 some work with him just on a collaborative basis
 20 from a scholarly standpoint dealing with first
 21 names and basically picking his brains because
 22 he's kind of -- he is the authority or was the
 23 authority at the Census Bureau until he retired.
 24 Q You have not spoken with him at all about
 25 Dr. Mayer's report or Dr. Mayer's approach, have

191

1 you?
 2 A No.
 3 Q And then you also have a publication by a man
 4 named Perkins, correct?
 5 A Yes.
 6 Q Perkins, R.C., 1993.
 7 A Correct.
 8 Q And who is Mr. Perkins?
 9 A He either is or was until recently a Census Bureau
 10 employee who so far as I can tell kind of picked
 11 up the direction of research, was a collaborator
 12 with David Word and has continued it on. I should
 13 say he appears to have been the person who is
 14 designated by the Census Bureau to continue this
 15 line of research and to keep evaluating the
 16 surname list because it was being used within the
 17 bureau.
 18 Q Have you had conversations with Mr. Perkins as
 19 well?
 20 A I don't think I've ever spoken with him
 21 personally, no.
 22 MR. POLAND: I'm going to mark a
 23 document here.
 24 (Exhibit No. 54 marked for
 25 identification)

192

1 Q Dr. Morrison, I'm giving you a copy of a document
2 that's been marked as Exhibit No. 54 and I ask you
3 to take a look at this document. Is Exhibit 54 a
4 document that you have seen before?
5 A Yes, I have.
6 Q When did you see Exhibit 54?
7 A I probably looked it over within the last six
8 months at some point or other.
9 Q And you see this is a document that's authored --
10 one of the authors is David L. Word, correct?
11 A Correct.
12 Q And that's the Mr. Word whose report you cite in
13 Appendix A of your rebuttal report, correct?
14 A Yes.
15 Q And then there's also a reference or the other
16 author is R. Colby Perkins, Jr., correct?
17 A Yes.
18 Q And Mr. Perkins is the Census Bureau employee,
19 again, one of whose reports you cite in Appendix A
20 of your report, correct?
21 A Yes.
22 Q You see the title of this document Building a
23 Spanish Surname List from the 1990s a New Approach
24 to an Old Problem?
25 A Yes.

193

1 Q I would like you to turn to what's marked as
2 Page 1 of Exhibit No. 54. It's marked as
3 enumerated Page 1.
4 A I've got you. Okay. Sure.
5 Q I would like you to look at the very first
6 sentence. Do you see there where it says, "This
7 paper describes a direct and reproducible method
8 for creating an inventory of surnames
9 characteristic of the Hispanic origin population
10 in the United States."
11 A Yes.
12 Q All right. Then I would like you to jump down to
13 Section 1 which is the introduction.
14 A Yes.
15 Q Do you see there's a reference to the 1980 Census
16 Bureau list of 12,497 different Spanish surnames?
17 A Yes.
18 Q And that's the list that you refer to in your
19 rebuttal report, correct?
20 A Yes.
21 Q I would like you to look at the next paragraph
22 down and the last sentence of the paragraph where
23 it states, "This procedure works remarkably well
24 for commonly occurring surnames but a great amount
25 of hands-on effort was required to dispose of

194

1 infrequently occurring surnames that surfaced as
2 Spanish on the initial selection pass." Do you
3 see that?
4 A Correct.
5 Q Then it goes on to say, "In this paper, Perkins
6 and Word discard that indirect Bayesian approach
7 in favor of a direct method to reach the same
8 ends. Here, instead of trying to classify
9 surnames through geographic distribution, we
10 actually link ethnicity and name." Do you see
11 that?
12 A Yes, I do.
13 Q Now, I would like you to take a look at -- it's
14 Page 15. I'm sorry. Make that Page 13. In
15 Section 8.0 of the conclusion. "The authors hope
16 that the evidence presented here convinces the
17 reader that a well constructed Spanish surname
18 list is a useful alternative for identifying
19 persons of Hispanic origin when Hispanic origin is
20 not known." Do you see that language?
21 A Yes.
22 Q And then I would like you to jump down to the next
23 paragraph. It would be the third sentence.
24 "Based on the analysis of the SOR file, fewer than
25 1,000 surnames are sufficient for capturing

195

1 80 percent of the Hispanic population in the
2 United States. Moreover, householders with those
3 surnames are Hispanic 95 percent of the time." Do
4 you see that?
5 A Yes.
6 Q Do you have any reason to disagree with these
7 conclusions that have been set forth in Section
8 8.0?
9 A No, I don't.
10 Q Then I would like you to look at Section 10.1 on
11 Page 15.
12 A Yes.
13 Q It's the second full paragraph from the bottom.
14 Do you see where it states, "For many purposes
15 this abridged 639 surname list is sufficient for
16 making a reasonably accurate assessment of the
17 number or proportion Hispanic within a group." Do
18 you see that?
19 A Yes.
20 Q Do you have any reason to disagree with that
21 conclusion?
22 A It depends on what reasonably accurate means. I
23 do have -- when you get done, I will tell you what
24 the limitations are of this list.
25 Q And then I would like you just to turn to Appendix

196

1 Table A.
 2 A In my report?
 3 Q I'm sorry. No. This is in Exhibit 54. This is
 4 in the Word and Perkins paper.
 5 A Yes.
 6 Q And do you see those 639 most frequently occurring
 7 heavily Hispanic surnames?
 8 A Yes.
 9 Q All right. And you understand that's the list of
 10 surnames that Dr. Mayer used?
 11 A Apparently it is, yes.
 12 Q You were going to tell me of a problem or
 13 criticism that you have.
 14 A Do you know the difference between a householder
 15 and a person?
 16 Q Do I?
 17 A Yes.
 18 Q I do not.
 19 A Do you know what the difference is in census
 20 terminology?
 21 Q No, I do not.
 22 A All right. If your name is Gomez and your wife's
 23 name is Mary Smith Gomez, the research is based on
 24 you as the household head if you declared yourself
 25 to be the household head. This research does not

197

1 refer to all persons. It refers only to household
 2 heads. So that is one limitation that would mean
 3 that what is said about this list as being a
 4 reasonably accurate alternative would apply if
 5 only household heads voted. But the fact is that
 6 household heads and other family members who may
 7 have taken on the surname of the household head
 8 also vote. Those latter individuals are not
 9 encompassed by this research. For some purposes
 10 this abbreviated list will suffice. It will
 11 suffice, for example, for marketing purposes. If
 12 one wants to identify Hispanic households that
 13 might be interested in buying Hispanic products in
 14 the local supermarket and live nearby the local
 15 supermarket, let's say within the standard radius
 16 of three to five miles, and the assumption would
 17 be that the Hispanic householder, the Spanish
 18 surnamed Hispanic householder, would be shopping
 19 for a family that perhaps favored Hispanic food,
 20 food that persons who are Hispanic typically eat
 21 as family members or household members. However,
 22 while it would be appropriate for that
 23 application, it would be in my judgment less
 24 appropriate and certainly the less preferred
 25 alternative for accurately identifying all persons

198

1 who might be Hispanic at the precinct level among
 2 voting age persons.
 3 So I have no quarrel with the list that is
 4 described in this document, Exhibit 54. It is
 5 done to the same standards that the Census Bureau
 6 always applies which is it is a very high quality
 7 piece of research. It was in my judgment an
 8 effort to advance our understanding of how the
 9 list of Spanish surnames in an abbreviated form
 10 might be put together in a way that would be
 11 useful for certain purposes. I would also note
 12 that so far as I can tell -- to the best of my
 13 recollection there are no parameters that would
 14 allow one to account for false positives and false
 15 negatives. For a person who is marketing deciding
 16 whether to stock Hispanic food in a local
 17 supermarket, false positives and false negatives
 18 don't matter. You just want to get a rough idea
 19 of is this a heavily Hispanic area or a likely
 20 Hispanic area. Approximate values will suffice.
 21 For purposes of doing a statistical analysis such
 22 as Professor Mayer has done in which he is trying
 23 to divine the proportion of registrants who voted
 24 for one or another candidate from the aggregate
 25 statistical data that he has at the precinct

199

1 level, he is going to be committing the most
 2 serious errors in those precincts where the most
 3 information is embedded; that is to say the
 4 precincts that are either most heavily Hispanic or
 5 most heavily non-Hispanic. That would be what in
 6 our area is referred to as homogeneous precinct.
 7 So for his purposes far and away the first choice
 8 would be the list that I say should have been
 9 used. If he were selling Hispanic oriented food
 10 to supermarkets, his list would suffice.
 11 Q It does remain true -- you made the distinction
 12 between persons and householders. It does remain
 13 true in the conclusion that I had read before
 14 where they say, "Fewer than 1,000 surnames are
 15 sufficient for capturing 80 percent of the
 16 population of the United States." That sentence
 17 remains true with respect to persons and not just
 18 limited to householder, correct?
 19 A That's what they say. That means that you have
 20 got that troubling 20 percent that are not
 21 detected.
 22 Q One of your criticisms in your rebuttal report of
 23 Dr. Mayer's report -- I'm going to jump down to
 24 the third section. You have questionable
 25 estimates of racially polarized voting?

200

1 A Yes.
 2 Q Actually, let me mark Dr. Mayer's report here.
 3 Let me just mark this as an exhibit.
 4 (Exhibit No. 55 marked for
 5 identification)
 6 Q In Paragraph 12 you say -- this is your rebuttal
 7 report. You say, "The integrity of Dr. Mayer's
 8 analyses of racially polarized voting hinges
 9 directly on the integrity of that estimate. From
 10 what I can tell, he simply equated the count of
 11 registrants having one of the 639 most frequently
 12 occurring heavily Hispanic surnames with a count
 13 of all census enumerated Hispanic persons in a
 14 precinct." Do you see that?
 15 A Yes.
 16 Q Can you show me in Exhibit 55, Dr. Mayer's report,
 17 where that is set out.
 18 A You mean where he made that statement?
 19 Q Correct. Yes.
 20 A I know he made it somewhere. Let me see if I can
 21 find it.
 22 Q Sure. Go ahead.
 23 A If you go to the very bottom of Page 20 of his
 24 report, which is Exhibit 55 -- I'm just going to
 25 read the sentence here. "To identify Latino

201

1 voters, I used the list of Word and Perkins, 1994,
 2 20-21, that displays the 639 most frequently
 3 occurring heavily Hispanic surnames. For each
 4 individual with a surname on this list I
 5 classified them as Latino." That is what I meant
 6 by he equated them.
 7 Q Now, is it your understanding that Dr. Mayer used
 8 his surname method in his ecological inference
 9 methodology that he employed?
 10 A Yes.
 11 Q And where does he do that?
 12 A I know that this is the way it's done. I don't
 13 know exactly where he states it, but let me see if
 14 I can find a specific reference to it. On the
 15 bottom few lines of Page 17 he refers to
 16 Gary King's method and what he says -- he doesn't
 17 detail exactly how he did it, but what he says is
 18 I did the method. It's as though you said I took
 19 someone's temperature with the Mercury thermometer
 20 by putting it in their mouth and it read 98.6.
 21 You have haven't described exactly what happened
 22 in the thermometer to get it up to 98.6, but I
 23 know if he did what he said here using King's
 24 method, one of the variables that he used would be
 25 the percentage, some measure of the percentage of

202

1 registrants in a precinct, some measure of the
 2 Hispanic share of registrants in each precinct.
 3 And the analysis would have been of a matrix of
 4 data in which the precincts were each represented
 5 by a measure of how heavily or likely Hispanic the
 6 registrant share was.
 7 Q Is it your understanding that that particular
 8 number would be captured within the statistical
 9 package that Professor King generated?
 10 A I don't know exactly how he performed his
 11 analysis. I just know that this is the variable
 12 that he would use in such an analysis and if he
 13 used any other variable it would not have been the
 14 analysis at all and the variable that he used is
 15 the measure that he described, I classified those
 16 people whose name was on the list as Hispanic, and
 17 he could then only have taken that number and
 18 developed a share; that is to say of all of the
 19 names in Precinct 1 how many of those names were
 20 on the list. And then he would have made his
 21 estimate by simply equating the numbers. He would
 22 say there are, just as a hypothetical example, a
 23 precinct with 500 registrants. I found 100 of
 24 them to have names that are on the short list that
 25 I used, so that would mean 100 Hispanics, 400

203

1 non-Hispanics. That's the only way he could
 2 possibly have implemented it unless he did it in
 3 some fashion where he talked about using the
 4 Spanish surname list but he did something
 5 different that he didn't disclose.
 6 Q You think by definition then Dr. Mayer had to use
 7 his surname analysis in his ecological inference
 8 method?
 9 A I don't see any other alternative. But you can
 10 ask him if he did it some different way and we
 11 ought to know about it.
 12 Q In Paragraph 18 of your rebuttal report, so again
 13 this is back to Exhibit 53, you state
 14 that Dr. Mayer's use of the statewide rate is
 15 demonstrably inappropriate and for a more reliable
 16 estimate you compile the ACS data for the specific
 17 census tracts that comprise Assembly District 8.
 18 These data show that Latinos are 40.9 percent of
 19 the district citizen voting age population as
 20 shown in Table 2 of your report that we were just
 21 looking at before. If we got Table 2 out and we
 22 look at that number, 40.9 percent -- now, this
 23 40.9 percent that's in your Table 2 pertains to
 24 Assembly District 8 under Act 43, correct?
 25 A Correct.

204

1 Q Do you know what the Latino percentage was in the
2 previous Assembly District 8?
3 A Yes. That is set forth I think in one of the
4 concluding paragraphs of my rebuttal report.
5 Actually, it's in Paragraph 19. "I noted that the
6 CVAP" -- I'm reading from the middle of
7 Paragraph 19. "I noted that the CVAP of Milwaukee
8 County" -- let me just skip.
9 Q Hold on a second.
10 A Let me just find where I made this statement.
11 What I've done is I've simplified -- I established
12 to my satisfaction with a high degree of
13 scientific certainty that I could conclude that
14 Latinos comprised a larger share of all eligible
15 voters in the newly enacted 8th assembly district
16 than they did in the former assembly district. I
17 did not go through a very tortuous lengthy
18 calculation process to try to establish how much
19 lower the Hispanic share was in the former AD 8.
20 It entailed considerable effort because one has a
21 lot less data at that census tract level. Well,
22 one has the same amount of data, but it's in a
23 format that's much more difficult to do the
24 computation in 2000. What I can state with a high
25 degree of scientific certainty is that Latinos now

205

1 comprise a larger share in the newly enacted 8th
2 district than they did in the former 8th district,
3 and that conclusion, as I say, stands up even if
4 you use Dr. Mayer's flawed calculation procedure.
5 Q What was the percentage of Latinos in the prior
6 Assembly District 8?
7 A You mean among the citizen voting age population?
8 Q Yes. Correct.
9 A As I state, that's not something I calculated. I
10 could only infer that it would be lower based on
11 the two statistics that I cite here, the fact that
12 the Hispanic share of the voting age population
13 was higher countywide and that the percentage of
14 the voting age population in the district itself
15 was higher at the later point in time. But I did
16 not, as I said, go to the trouble to calculate
17 what the actual measure was at the earlier time.
18 Q But how do you reach that inference?
19 A When you have the two numbers pointing up as I
20 indicated, it's impossible for one to conclude
21 that the percentage could not have gone up over
22 time unless one envisioned an influx of Hispanic
23 adults all of whom were non-citizens none of whom
24 were citizens and also a maturation of juvenile
25 Hispanics over time into the 18 and older age

206

1 range among persons who were non-citizens. That
2 didn't happen with citizens. In other words, you
3 couldn't envision how the percentage, how the
4 Hispanic share among the citizen voting age
5 population of the 8th district, could not have
6 gone up in light of these two other developments.
7 Q Did you ever compare the Hispanic citizen voting
8 age population in Assembly District 8 under Act 43
9 to the configuration of old Assembly District 8
10 using 2010 census data?
11 A No, I did not.
12 Q Why wouldn't you have done that?
13 A I didn't know of any reason to do that. I wasn't
14 asked any question that would require one to do
15 that.
16 Q I note that you have testified previously from
17 your CV that you produced with your report. You
18 have testified previously in redistricting cases,
19 correct?
20 A Yes, I have.
21 Q Have you performed a racially polarized voting
22 analysis before?
23 A I myself have not, no.
24 Q You haven't done it for litigation?
25 A I myself have not, but I have been involved in

207

1 litigation where it was performed and I'm
2 intimately familiar with how it's done and what's
3 involved in with.
4 Q You have never presented one to a Court before or
5 testified based on one that you performed?
6 A No.
7 Q And you haven't done it in your work as a scholar
8 writing literature?
9 A What I have done is I have prepared the input
10 data; that is to say the variable that I am saying
11 Professor Mayer miss measured for colleagues who
12 were performing racially polarized voting
13 analyses, and I have -- so I'm very familiar with
14 the data that one needs to do the analysis
15 although I have not actually done it myself and
16 presented it in testimony.
17 Q What colleagues have prepared racially polarized
18 voting analyses before that you have prepared the
19 data for?
20 A I have done it for Steve Klein who has written a
21 number of articles on the topic. I've done it for
22 Jeanne Gobalet, that's G-o-b-a-l-e-t, for some
23 racially polarized voting analyses she's done. I
24 think that's all I can recall.
25 Q Were either of those for the purpose of any

208

1 litigation, redistricting litigation or other
2 litigation?
3 A Typically, yes. Either redistricting or defending
4 existing districting systems or simply -- I should
5 say the purpose of the analyses were in all cases
6 to identify whether or not there was racially
7 polarized voting, and, if so, to characterize it.
8 Sometimes it was done in the context of
9 litigation. Other times it was done in the
10 context of ascertaining whether one was drawing
11 district boundaries under circumstances where
12 there was a history of racially polarized voting.
13 Q Any particular litigation where that's been done
14 recently where you prepared data for a racially
15 polarized voting analysis?
16 A Not in the context of litigation, no.
17 MR. POLAND: Can we take about a
18 five-minute break here.
19 (Recess)
20 Q Dr. Morrison, are people who are not citizens
21 included in the census numbers?
22 A If they fill out a census questionnaire, yes. I'm
23 sorry. If they fill it out or if someone in their
24 household mentions them on the questionnaire, yes.
25 Q Do you know why they're included in the census?

209

1 A Yes.
2 Q Why?
3 A Because the census is intended to enumerate all
4 persons.
5 Q Living in the United States regardless of whether
6 they're citizens?
7 A Regardless of whether they're citizens.
8 Q Are people who aren't citizens entitled to
9 representation in government?
10 MS. LAZAR: Objection, calls for
11 legal conclusion and not relevant to the
12 discussion.
13 You may answer subject to that.
14 A It depends what you mean by representation. Do
15 you mean political representation or do you
16 mean --
17 Q Are they entitled to have their interests
18 represented?
19 A My understanding is that all persons are entitled
20 to political representation regardless of age or
21 citizenship.
22 Q You have got a table at the end of your rebuttal
23 report in Appendix B. That's the Data for
24 Computing Age- and Citizenship-Adjusted Rates of
25 Voter Registration and Turnout?

210

1 A Yes.
2 Q Do people lie about whether they register to vote?
3 A I have no basis for answering that question. I
4 could only speculate.
5 Q Do you know whether there are any studies about
6 whether people lie as to whether they have
7 registered to vote?
8 A I don't know of any such studies, no.
9 Q Are there any ways of estimating the margin of
10 error or the error rate associated with how people
11 respond when they're asked if they have registered
12 to vote?
13 A Not that I know of.
14 Q In the work that you have done have you seen any
15 barriers to Latino participation in voting?
16 A Not in the work that I've done, no.
17 Q Have you observed other barriers to Latinos
18 participating in voting outside of the work that
19 you have performed?
20 A I'm aware of studies that claim that there are
21 such barriers, but I'm not familiar with them
22 myself.
23 Q Would you deny that there are barriers to Latinos
24 participating in voting?
25 A I have no basis to deny or to accept.

211

1 Q You don't plan to express any kind of an opinion
2 at the trial of this case as to whether there are
3 or are not barriers to Latinos participating in
4 voting?
5 A I have no intent of expressing any such views, no.
6 Q Dr. Morrison, you have recently participated in
7 litigation in Illinois over the redistricting
8 going on down there, correct?
9 A Correct.
10 Q And that was the Committee for a Fair and Balanced
11 Map litigation?
12 A That's my recollection of the name, yes.
13 Q Who were you retained by in that case?
14 A I was retained by plaintiffs.
15 Q Who were the plaintiffs in the Illinois case?
16 A I don't even remember the name. It's whoever was
17 on the top or bottom part of the caption. If you
18 tell me what it is, it will probably refresh my
19 recollection.
20 Q The democrats are in control to the south of here,
21 right, in Illinois?
22 A I know it was the republicans. I just don't know
23 what the named plaintiff was.
24 Q Fair enough. But it was the republican group that
25 was challenging the democrat controlled

212

1 redistricting in Illinois?
2 A Correct.
3 Q And then you also were retained and expressed
4 opinions in the Fletcher case in Maryland,
5 correct?
6 A I did a very quick analysis in Maryland, yes.
7 Q Who were you retained by in the Fletcher case in
8 Maryland?
9 A My understanding there is it was the plaintiffs
10 again although I don't remember the caption name.
11 If you tell me what it is, I will probably
12 recollect who it is.
13 Q Fletcher was the name on the case when I --
14 A All right.
15 Q -- saw it, and I believe that's the name of at
16 least one of the plaintiffs.
17 A Right.
18 Q Was it the republicans also who were challenging
19 the democrat redistricting plan in Maryland?
20 A You know, I can't -- I really can't say with
21 certainty. I know this sounds silly, but I was
22 paying more attention to a very tight deadline and
23 trying to assemble the demographic data for the
24 client. I don't really recall -- I would have to
25 go through and check. I know it was one or the

213

1 other.
2 Q In the Illinois case you did submit an expert
3 report?
4 A I did, yes.
5 Q Did you testify at the trial there as well?
6 A I did.
7 Q What about in the Maryland case?
8 A In the Maryland case my understanding is it was
9 going to be -- it was heard by a panel of judges.
10 I was told initially there will be no live
11 testimony. There will simply be reports filed.
12 Q And so you did file a report in Maryland?
13 A Right.
14 Q But were never called to actually testify live at
15 any kind of a trial?
16 A Correct.
17 Q I would like you to get out Exhibit 32 which is
18 your report. We're going to spend the rest of the
19 time here really looking at your report.
20 A This is my first, the December 14th one?
21 Q Correct. That's Exhibit 32. I'm going to try to
22 fill in some of the gaps here that I missed as I
23 was going through the documents. In Paragraph
24 No. 7 of your report the last sentence of that
25 paragraph you say, "In Wisconsin fully 36 percent

214

1 of Hispanics of voting age are not yet citizens
2 hence ineligible to vote." Where do you get that
3 number from?
4 A That would have been from the American Community
5 Survey.
6 Q Was that number in one of the tables that we
7 looked at earlier as we were going through the
8 documents that you produced?
9 A It should be, yes. That's the only place I could
10 have gotten it.
11 Q Was there also a number for Milwaukee County in
12 the ACS data?
13 A There would have been another table that
14 corresponds to Milwaukee County from which the
15 same statistic could have been computed. I don't
16 know that I computed it because I don't see it
17 mentioned in the text here anywhere.
18 Q Is that number, the 36 percent number that you
19 have in Paragraph 7, that is not used in your
20 Table 1, is it?
21 A I don't believe so. It's not used, but it is
22 implicit in the table in the sense that you could
23 compare the Hispanic voting age population with
24 the Hispanic citizen voting age population and
25 that should give you the percentage, the

215

1 corresponding percentage, of what percentage of
2 Hispanics of voting age are not yet citizens.
3 Q Then you also have the statement that 1 percent of
4 non-Hispanics of voting age are not yet citizens.
5 Does that also come from the ACS data?
6 A Yes.
7 Q And, again, that should be reflected in one of the
8 reports that you had produced among the documents?
9 A It should be something that one could compute just
10 by comparing two numbers and doing a calculation.
11 I don't know that I set it forth explicitly. I
12 may have calculated it from the table and put it
13 directly into my summary Table 1 in my report.
14 But the raw data on which it is -- I should say
15 the data on which that statement is based will be
16 among the data from the ACS for 2010.
17 Q And the 1 percent number does not appear on your
18 Table 1 explicitly?
19 A Correct. Although one could derive it from
20 Table 1 by doing some calculations, subtracting
21 the Hispanic from the total to get the
22 non-Hispanic and then doing that exercise for both
23 voting age and citizen voting age and then you
24 would have the total non-Hispanic voting age
25 population and then the total non-Hispanic citizen

216

1 voting age population which would be within
2 1 percent of it. In other words, you could derive
3 the number in the text from Table 1 if you just
4 sat down and did two or three calculations.
5 Q I would like to turn your attention to
6 Paragraph 8. In Paragraph 8 you state, "Clearly
7 Hispanics moving into Milwaukee County have
8 replaced non-Hispanics moving out." Do you see
9 that statement?
10 A Yes.
11 Q Do you base that statement on the actual numbers
12 of Hispanics moving into Milwaukee County?
13 A No. I base it simply on the comparison of the
14 county gained 8,000 people but Hispanics increased
15 by 44,000. The only way in which a number that
16 big, 44,000, could have come about in a county
17 that gained only 8,000 people would be either a
18 phenomenal increase in the number of births, a
19 reproductive renaissance as it were, or by people
20 moving in.
21 Q I was going to ask you that precise question. It
22 could be also that people were born there as
23 opposed to moving in, correct?
24 A Yes. But I don't see any way that differential
25 births could have accounted for that big a

217

1 difference.
2 Q Did you look at any birth rates?
3 A No. There's no need to. It's clear that this is
4 a function of people moving in.
5 Q Did you base your statement on any actual numbers
6 of non-Hispanics moving out?
7 A No.
8 Q People could have died as well, right?
9 A Another possibility is that there was an enormous
10 number of deaths among non-Hispanics. But I do
11 not see a natural increase; that is to say the
12 affects of births added or deaths subtracted could
13 possibly account for what we see here, the 44,000
14 compared with the 8,000.
15 Q Again, though, you didn't look at those other
16 reasons that people might have ceased to be listed
17 as Milwaukee County residents?
18 A Yes. There's no reason to do so.
19 Q That's true of both Hispanics and non-Hispanics?
20 A That's true for the statement in Paragraph 8.
21 Q Now, in Paragraph 9 you refer to the map that's in
22 Figure 1.
23 A Yes.
24 Q The copy that we had received was black and white
25 I think and it was copied in that way so it was

218

1 hard to tell and I'm sure from your copy it's
2 pretty difficult to tell the variations.
3 A Correct.
4 Q Do you have a color copy of that map?
5 A There is a color copy of that map on the thumb
6 drive somewhere.
7 Q Okay. Great. Now, you state in Paragraph 9 that
8 the -- this is kind of hard to see I think in the
9 figure, but you say, "The black boundary shown in
10 Figure 1 encompasses neighborhoods that are home
11 to over three-fifths of all Hispanics in Milwaukee
12 County and which form a naturally occurring
13 community of interest." Do you see that?
14 A Yes.
15 Q If you look at Figure 1, and I know it's very
16 difficult to make out any of the boundaries here,
17 you identify -- generally speaking if you look
18 over on the right you identify a range of Hispanic
19 population within certain areas, correct?
20 A Yes.
21 Q And where do those numbers come from that are in
22 there?
23 A Those numbers come from -- that would have come
24 from the 2010 census block group data that are
25 simply counts of total Hispanics without regard to

219

1 age or citizenship. It's just the total Hispanic
2 population.
3 Q So it was by block group?
4 A Yes.
5 Q And you just counted them up then?
6 A It's not a matter counting them up. It's a matter
7 of displaying the block group data on a map in a
8 way that shows how the large concentrations of
9 Hispanics are all adjoining each other in a
10 particular area.
11 Q And these are all Hispanics that are captured by
12 this, correct?
13 A I don't know what you mean by the question.
14 Q It's not limited by age range?
15 A Correct. It is anybody who is Hispanic regardless
16 of age or citizenship.
17 Q Now, it's pretty difficult to see in Figure 1, but
18 the black boundaries that you have depicted on
19 Figure 1, do they coincide with Assembly Districts
20 8 and 9 under Act 43?
21 A Yes. It is the combination of those two assembly
22 districts.
23 Q Now, there are adjacent areas on this map, by
24 adjacent I mean adjacent to the black boundary
25 area, that extend outside that area that do

220

1 contain numbers of Hispanics as great as some of
 2 the areas inside the black boundary, correct?
 3 A Yes. That's entirely possible, yes.
 4 Q When you state that these neighborhoods form a
 5 naturally occurring community of interest, what
 6 are you referring to?
 7 A I'm referring to the fact that virtually all of
 8 these block groups have a significant number of
 9 Hispanics residing there and insofar as being
 10 Hispanic defines a community of interest one could
 11 refer to this area as a naturally occurring
 12 community of interest that is an aggregation of
 13 neighborhoods.
 14 Q And some of those neighborhoods that are part of
 15 the community of interest extend outside of the
 16 black boundary of Assembly Districts 8 and 9,
 17 correct?
 18 A Yes.
 19 Q In Paragraph 10 you refer there to demographic
 20 influences that will further boost the Hispanic
 21 share of eligible voters in communities within and
 22 adjacent to the Hispanic enclave visible in
 23 Figure 1, correct?
 24 A Correct.
 25 Q Are all of the influences that you identify there

221

1 are identified in your report or referred to in
 2 your report?
 3 A Yes.
 4 Q By enclave what are you referring to?
 5 A I'm referring to a concentration of individuals in
 6 a particular area and adjacent neighborhoods which
 7 is recognized by both those who reside within it
 8 and those who may reside elsewhere in the county
 9 or who may be moving into the county as an area
 10 where like-minded individuals have congregated
 11 residentially in the same way that one would refer
 12 to Irish enclaves in Boston or Polish enclaves,
 13 and I'm talking about past history now, in Chicago
 14 and other areas. In Milwaukee, for example, an
 15 enclave is significant not only because it exists
 16 as a concentration of a group but because it has a
 17 self-perpetuating affect in attracting other
 18 like-minded individuals to that area rather than
 19 scattering randomly over the landscape.
 20 Q Now, the Hispanic share of eligible voters will
 21 increase not only in Assembly Districts 8 and 9
 22 but also in some of those adjacent communities
 23 too, correct?
 24 A That's entirely possible, yes.
 25 Q In Paragraph 11 you state that one of the

222

1 demographic influences that is identified in
 2 Paragraph 10 is Hispanic spacial mobility,
 3 correct?
 4 A Correct.
 5 Q And you identify that in a little more detail in
 6 Paragraph 14, right?
 7 A Correct.
 8 Q Or beginning I should say in Paragraph 14. Right?
 9 In Paragraph 14 you identify two what you call
 10 "important forces" that you say "Spur the growth
 11 and spacial concentration of Hispanics in
 12 Milwaukee County," correct?
 13 A Yes.
 14 Q The first one that you identify is migration into
 15 the county, correct?
 16 A Yes.
 17 Q And the second one is you recognize local
 18 residential movement within the county, right?
 19 A Correct.
 20 Q You say you have published extensively on both
 21 topics and in Footnote 1 you identify a book
 22 chapter that you wrote, correct?
 23 A Yes.
 24 Q Did that book chapter examine Milwaukee County?
 25 A Not explicitly, no.

223

1 Q What area did you study?
 2 A It really was a national level study. It was a
 3 study that described the processes of internal
 4 migration and short distance mobility within the
 5 United States anywhere within the United States.
 6 Q When you say internal migration, what do you mean
 7 by that? What was studied?
 8 A Internal migration is the movement of population
 9 within the United States. So someone moving from
 10 California to Wisconsin would be an internal
 11 migrant. Someone moving from South America or
 12 Europe to Wisconsin would be an international
 13 migrant. A person leaving Wisconsin for
 14 California would be an internal migrant. A person
 15 moving from Wisconsin to Europe would be an
 16 international migrant.
 17 Q Have you ever studied migration patterns either
 18 into or out of Milwaukee County or within
 19 Milwaukee County?
 20 A Not to my recollection. I did do a demographic
 21 study a long time ago in this area. It would have
 22 been perhaps 20, 30 years ago in conjunction with
 23 I think a school desegregation case, and I can't
 24 rule out the possibility that I looked at some
 25 flows of population movement in this area. But I

224

1 don't have any recollection clearly of when it was
2 or what it was other than it had to do with school
3 desegregation.
4 Q And when you refer to short distance mobility in
5 the chapter that you wrote of the book that's
6 referred to in Footnote 1 in your book, what
7 distances were you examining there for short
8 distance mobility?
9 A Typically one is talking about residential
10 mobility which is moving in the same metropolitan
11 area from one neighborhood to another. In other
12 words, it's a move that would be considered still
13 within the same general area typically defined by
14 a county or by a collection of counties that form
15 a metropolitan area.
16 Q In Paragraph 15 you state that the U.S. Census
17 Bureau's ACS for the period 2006 to 2010 yields
18 the most precise current measures of geographic
19 mobility, correct?
20 A Yes.
21 Q And why do you make that statement?
22 A Because it's the only data we have more recent
23 than the 2000 census and one needs the five-year
24 file for the level of precision that one would
25 want to detect those who have moved within the

225

1 population.
2 Q In Paragraph 16 you state that the ACS data
3 document and annual influx of 1,812 Hispanic
4 immigrants to Milwaukee County from another
5 state -- do you see that?
6 A Yes.
7 Q And by immigrants you don't mean immigrants to the
8 United States, correct?
9 A What I said is in-migrants. There's an important
10 semantic difference here. In-migrants means
11 people who moved in. If they had moved from
12 another country, they would be referred to as
13 immigrants with two Ms.
14 Q All right. It may be an artifact of the copying
15 here. Looks like an i-m-m on my copy. What data
16 are these numbers based on? Is this the 2006 to
17 2010 ACS data?
18 A Yes. Yes. And I think the source is footnoted in
19 Footnote 2 on Page 6.
20 Q So, again, those are the tables in the ACS 2006 to
21 2010 data?
22 A Correct. If you go to those tables and print
23 those out, you will see exactly the data that I
24 used.
25 Q We had the discussion earlier when we were talking

226

1 about the ACS data. I had used the term average
2 annual and you said no, that's wrong. It's an
3 aggregate number.
4 A It describes the annual number during a period,
5 during a five-year period. It doesn't refer to
6 any one year, but it is on an annual basis.
7 Q Was there any calculation that you had to go
8 through to come up with that 1,812 number or was
9 that straight out of the data do you remember?
10 A I think there may have been a calculation of
11 adding two numbers together in the table or
12 dividing one number by another, but it was --
13 there's no elaborate calculation that's the source
14 of the numbers.
15 Q Do you know if there's any trend in that data, if
16 it's increasing year over year or decreasing?
17 A No. There's no way to detect a trend in these
18 five-year data.
19 Q That's for Milwaukee County as a whole, correct?
20 A I believe so, yes. That's what it says.
21 Q So it's not just for the enclave area identified
22 in Figure 1?
23 A Correct.
24 Q You also state, "The ACS data document 1,140
25 Hispanic," let's see if I can get the word right

227

1 this time, "in-migrants from elsewhere in
2 Wisconsin."
3 A Correct.
4 Q Again, that comes from the same ACS data that you
5 had referred to before?
6 A Yes.
7 Q Now, the totals of these two numbers are 2,952
8 Hispanics moving from other parts of Wisconsin to
9 Milwaukee County annually?
10 A The total influx of 2,952 is everybody moving into
11 the county either from other counties in Wisconsin
12 or from other states in the United States.
13 Q So it is from other states as well?
14 A Yes. The combination is everybody who moved into
15 that county from anywhere in the United States of
16 America other than that county.
17 Q We don't know where they're actually moving to in
18 Milwaukee County, correct?
19 A No. We don't.
20 Q So it could be the areas that you have identified
21 in your enclave or it could be other areas,
22 correct?
23 A Correct.
24 Q Now, you also identify 2,791 Hispanics moving out
25 of Milwaukee County to a different county or state

228

1 each year, correct?
 2 A Correct.
 3 Q And, again, that's based on the 2006 to 2010 ACS
 4 data?
 5 A Yes.
 6 Q It doesn't count Hispanics moving to a different
 7 country, correct?
 8 A Correct.
 9 Q And that's not captured in the analysis that you
 10 set forth?
 11 A Correct.
 12 Q Does that ever happen?
 13 A I'm sure it could happen, but the ACS surveys
 14 people in the United States. It doesn't conduct
 15 surveys of people elsewhere on the planet, so we
 16 have no interviews with people who may have left
 17 Milwaukee County whether they're Hispanic or
 18 non-Hispanic. That's an unknown from the ACS.
 19 Q Outside of the ACS is there any data that you're
 20 aware of that could be used to estimate rates,
 21 annual rates, of migration to foreign countries?
 22 A Certainly not for Milwaukee County, no.
 23 Q So the estimates of out-migration would be an
 24 underestimate of Hispanics moving out of Milwaukee
 25 County to the extent that they exclude Hispanics

229

1 moving abroad, correct?
 2 A That's correct. And I think I pointed that out.
 3 Q Does this paragraph capture Hispanics who die?
 4 A No. It's only about Hispanics who are surveyed
 5 and asked the question where did you live before
 6 or Hispanics -- they are people who were alive at
 7 the time of both interviews.
 8 Q So it doesn't capture Hispanics who would leave
 9 Milwaukee County for a variety of reasons,
 10 correct?
 11 A It would capture all of them who left Milwaukee
 12 County except those who moved outside of the
 13 United States.
 14 Q Or ones who died?
 15 A Or ones who died, correct.
 16 Q Any other reasons that you can think of that a
 17 Hispanic who left Milwaukee County wouldn't have
 18 been captured in that data?
 19 A No.
 20 Q Now, you identify a total increase in Milwaukee
 21 County's Hispanic population of 161 residents,
 22 correct?
 23 A That would be the net influx, yes.
 24 Q The net effect as you state in Paragraph 16?
 25 A Right.

230

1 Q And that again is an annual number based on the
 2 2006 to 2010 ACS data?
 3 A Yes.
 4 Q And we don't know how those people are distributed
 5 throughout Milwaukee County, correct?
 6 A Correct.
 7 Q And then in Paragraph 17 you identify from the ACS
 8 data a further annual influx of 1,500 Hispanics
 9 moving from abroad, correct?
 10 A Correct.
 11 Q And that's not tied to either Wisconsin or
 12 Milwaukee County there is it?
 13 A No. I believe what I'm referring to there is
 14 Milwaukee County.
 15 Q It is Milwaukee County?
 16 A Yes.
 17 Q Okay.
 18 A That would be 1,500 Hispanic in-migrants from
 19 abroad moving into Milwaukee County.
 20 Q Is that the five-year ACS data?
 21 A That's the same five-year ACS data. The same
 22 tables that are shown in Footnote 2.
 23 Q Again, that pertains to the county not
 24 specifically the Hispanic enclave or Assembly
 25 Districts 8 and 9, correct?

231

1 A Correct.
 2 Q So then you add that number to the 161 Hispanics
 3 coming into Milwaukee County as calculated in
 4 Paragraph 16 and you get a total of 1,661
 5 Hispanics moving into Milwaukee County annually,
 6 correct?
 7 A Correct.
 8 Q You go on then in Paragraph 18 and take the 1,661
 9 Hispanics who come into Milwaukee County annually
 10 and divide that number into a population of
 11 126,039 Hispanics in Milwaukee County to calculate
 12 a maximum 1.3 percent annual increase in the
 13 number of Hispanics in Milwaukee County, correct?
 14 A Correct.
 15 Q We talked earlier in your deposition about where
 16 you got the 126,039 number for Hispanics in
 17 Milwaukee County, correct?
 18 A Yes.
 19 Q In Paragraph 19 where you state that the increased
 20 translates into a -- I'm sorry.
 21 A Paragraph 18. You're talking about Paragraph 18.
 22 Q Paragraph 18. Yep. I'm sorry. I'm in the wrong
 23 paragraph. A 0.16 percentage point increase in
 24 Hispanic share of Milwaukee County's overall
 25 population. How did you perform that calculation?

232

1 A When you think about it, it's simply saying take
2 the population as you have it, add in 1,661
3 Hispanics and then add in 1,661 to the total
4 population and compute the Hispanic share and then
5 compare it to what it was before you engaged in
6 that exercise. Just envision adding 1,661 new
7 people and they're Hispanic.
8 Q Okay. All right. I see. Again, that does not
9 include foreign outbound migration, correct?
10 A Correct.
11 Q Then at the end of Paragraph 18 you use your
12 previous calculations to arrive at the opinion
13 that the Hispanic share of population in Milwaukee
14 County would increase from 13.3 percent in 2010 to
15 14.9 percent by 2020, correct?
16 A Yes. That's the maximum it would increase.
17 Q All right. How do you make that calculation?
18 A I engage in the hypothetical calculation I just
19 described to you ten times, in a ten time sequence
20 I think. Either that or I took -- if I said the
21 percentage point increase was .16, I increased it
22 by 1.6 percent. Actually, that's what I did. I
23 said if it goes up .16 percentage point in one
24 year, in ten years it will go up somewhere in the
25 order of 1.6 percentage points. I added 1.6 to

233

1 13.3 and came out with 14.9. So that's just kind
2 of a rough estimate of -- it could not have gone
3 up to more than 14.9 percent and probably less
4 because we don't have the Hispanics who moved out
5 of the country.
6 Q In Paragraph 20 you begin your age structure
7 analysis, correct?
8 A Yes.
9 Q And we talked about that a little bit earlier in
10 your deposition, right?
11 A Yes.
12 Q Now, you say in Paragraph 20, "This factor
13 guarantees such increase because it is built into
14 the population structure." Do you see that?
15 A Yes.
16 Q The word guarantees a little strong there?
17 A I don't think so, no.
18 Q Is it really a guarantee or is it a projection
19 based on certain assumptions?
20 A Well, it's a guaranteed part of the projection.
21 The only thing that could change this would be if
22 there were a major draft that suddenly enlisted an
23 enormous number of juveniles in the military and
24 suddenly carved out or there was a major epidemic
25 in which 20 or 30 percent of the one group in the

234

1 population died off. Apart from that, this part
2 of it is about as sure a guarantee as we have.
3 Q You're basically assuming then that the current
4 factors that affect the age structure are going to
5 remain the same; is that fair to say?
6 A I'm assuming that there is nothing that could
7 possibly change the age structure differences that
8 are at this point quite stark and quite
9 substantial in the near future that would cause
10 their affect to disappear. I can envision things
11 that might strengthen the affect of age structure
12 or weaken it, but I cannot envision any scenario
13 in which this factor would not spur continuing
14 increase as I've stated. I haven't said how much
15 of an increase, but I cannot envision that
16 statement being negated by factors in the next ten
17 years.
18 Q Have you tried to estimate or calculate any rate
19 of probability at all associated with that
20 statement or that projection?
21 A I don't see any way of associating different
22 probabilities with different scenarios, but what I
23 have done is in the demographic accounting model
24 spelled out the implications of the current age
25 structure assuming that it remains as it is. I

235

1 believe that gives us the most reliable projection
2 of what will unfold in the future.
3 Q In Paragraph 21 you state, "Proportionally more
4 Hispanics are in the under 18 age range relative
5 to non-Hispanics, 39 percent compared with
6 23 percent." Do you see that?
7 A Yes.
8 Q What's the basis for that statement?
9 A That would be one of the tables that is either in
10 my report or -- I don't know if it's in my report
11 per se, but it's one of the tables that we have
12 already reviewed today.
13 Q That was one of the tables that you had produced
14 here this morning that we went through?
15 A Yes.
16 Q Do you recall was that based on U.S. data,
17 Wisconsin data or Milwaukee County data?
18 A It's Milwaukee County data for sure.
19 Q Now, you state that the over 65 age range
20 encompasses the ages at which significant numbers
21 of eligible voters die off. Do you see that?
22 A Yes.
23 Q And what's the basis for that statement?
24 A That would be the mortality tables that I referred
25 to before from the National Center for Health

236

1 Statistics.
 2 Q Those were attached to the documents that you
 3 produced in --
 4 A Yes.
 5 Q -- what's marked as Exhibit 52?
 6 A That's the one that I sent in initially when the
 7 request came in for documents. I believe that's
 8 the correct exhibit, yes.
 9 Q For the record, it's behind Tab 2. This is the
 10 United States Life Tables by Hispanic Origin; is
 11 that correct?
 12 A I'll take your word for it.
 13 Q You also have a statement where you say,
 14 "Hispanics under age 18 are predominantly citizens
 15 whereas many adult Hispanics have yet to become
 16 citizens." Do you see that?
 17 A Yes.
 18 Q What's the basis for that statement?
 19 A That will be derived from one of the ACS tables
 20 that show the under 18 Hispanic population
 21 distinguished by citizenship.
 22 Q Just comparing the under 18 versus the over 18?
 23 A No. It would be the under 18 population comparing
 24 citizens to total under 18 and then doing the same
 25 comparison for the 18 and over, and that would

237

1 support the statement where I said under age 18
 2 are predominantly citizens. Well, yes. Each of
 3 those comparisons would support one clause in that
 4 sentence, the first clause referring to the under
 5 age 18 being predominantly citizens and the second
 6 comparison referring to the second clause
 7 referring to many adult Hispanics yet to become
 8 citizens.
 9 Q I would like you to turn to Paragraph 25 of your
 10 report, please.
 11 A All right.
 12 Q In Paragraph 25, the last sentence, and you're
 13 talking about your demographic accounting model
 14 here, you state, "To quantify this change, I
 15 calibrated a demographic accounting model that
 16 captures the mutually reinforcing effects of age
 17 structure alone." Do you see that?
 18 A Yes.
 19 Q What do you mean by mutually reinforcing?
 20 A What I mean there is the expansion of the Hispanic
 21 share of voting age persons as juveniles age into
 22 the voting ages and also the subtraction of
 23 non-Hispanics from the elderly voting age persons.
 24 So it's a combination of young people growing
 25 older and old people dying off with the former

238

1 being more heavily Hispanic the latter being more
 2 heavily non-Hispanic.
 3 Q In your demographic accounting model, does it take
 4 anything into account -- strike that question.
 5 Are there any factors that you left out of your
 6 demographic accounting model that could affect the
 7 outcome of it?
 8 A Which outcome are you referring to?
 9 Q Well, the conclusions that you reach. Let's pull
 10 it out.
 11 A I'll take that. That answers my question. Are
 12 there factors that I have left out? There are
 13 obviously all sorts of things that could happen in
 14 the world, but there are no factors that I've left
 15 out that I could have quantified the way I have.
 16 Q So, for example, you took into account juvenile
 17 aging, correct?
 18 A Yes.
 19 Q And mortality?
 20 A Correct.
 21 Q Now, what other factors could you have taken into
 22 account but didn't include?
 23 A What other factors could I take into account with
 24 existing data or what other factors could one
 25 think about taking into account?

239

1 Q With existing data.
 2 A None that I know of.
 3 Q All right. Does everyone born into a household
 4 stay there forever?
 5 A No.
 6 Q Are there any ways that you know that you could
 7 measure where people who leave households --
 8 strike that question. There are reasons, and we
 9 have gone over some of these before -- there are
 10 reasons people leave households other than dying,
 11 correct?
 12 A Correct.
 13 Q And those are not included within your demographic
 14 accounting model, correct?
 15 A I know of no way to include them with available
 16 data for this particular level of geography.
 17 Q In Paragraph 26 you refer to Table 3 and you state
 18 that for Assembly District 8 the Hispanic share of
 19 the citizen voting age population is increasing at
 20 least one percentage point annually and will
 21 continue to increase at that rate through 2020,
 22 correct?
 23 A Correct.
 24 Q Now, where do you take the 1 percent number from?
 25 A Well, that would be a number that derives from my

240

1 calculations in my demographic accounting model.
 2 I'm not sure if I can show you exactly where it
 3 came from but somewhere in the tables that I've
 4 given you, I believe it's in the table that
 5 corresponds to the -- it's the demographic
 6 accounting model and the sheet that is called
 7 Juvenile Aging if I remember correctly.
 8 Q So if we look at --
 9 A That should --
 10 Q -- Exhibit 52. And it's behind Tab No. 1.
 11 A Right. Behind Tab No. 1 the spreadsheet called
 12 Demographic Accounting Model Juvenile Aging
 13 contains the calculations. If you read across in
 14 the citizen voting age population, the 18 and
 15 older, you will see year by year the projected
 16 number of total CVAP, Hispanic CVAP, non-Hispanic
 17 CVAP and then the calculation of the percent of
 18 CVAP. If you examine the formula within the cells
 19 in this spreadsheet, you will see that what I've
 20 done is for each year I have added in 1/18th of
 21 the under 18 population. So I've said if you take
 22 the under 18 population and imagine it is one year
 23 later, 1/18th of them; that is to say the 17 to 18
 24 year olds -- I should say the 17 year olds will
 25 have become 18 year olds. One adds them into the

241

1 voting age population, both the Hispanics under
 2 18, the 1/18th of them, and the 1/18th of the
 3 non-Hispanics, adds them in -- it's a very simple
 4 calculation and then computes the percent who are
 5 Hispanic among the voting age population.
 6 Q And that assumes -- I think we have been over this
 7 before. That assumes no mortality in that
 8 particular age group.
 9 A This is no mortality. This is without the effects
 10 of mortality which is covered in the other
 11 spreadsheet. This simply says if you keep adding
 12 in youthful people who turn 18 this is the
 13 calculation that shows what the Hispanic share
 14 will be before you take out the people who die
 15 off.
 16 Q Right. But in the mortality table, which precedes
 17 it by one page, there are no calculations given
 18 for mortality, correct?
 19 A Correct.
 20 Q All right. And the numbers for the Assembly
 21 District 8 and 9, those demographics come from the
 22 spreadsheet that you received from Mr. Handrick,
 23 correct?
 24 A No. This is the citizen voting age population
 25 that I'm doing the calculations on. So this would

242

1 come from that five-year 2006-2010 ACS file that I
 2 used at the census tract level.
 3 Q Was this the spreadsheet then that you had
 4 suggested I scratch out the reference to the Excel
 5 file of assembly district population composition
 6 furnished by Joseph Handrick?
 7 A Yes. That's the one. Right.
 8 MR. POLAND: Let's go ahead. He
 9 needs to change the tape.
 10 (Recess)
 11 Q Dr. Morrison, I was just asking you about the
 12 1 percent projection that you had in Paragraph 26,
 13 and you mentioned that that derives from
 14 calculations in the geographic accounting model,
 15 correct?
 16 A Yes.
 17 Q Do you know whether those calculations are set
 18 forth or included within the model that's been
 19 produced to us in electronic form?
 20 A Yes. If you go to the spreadsheet that we're
 21 looking at here, the one that we have printed off
 22 that is entitled Demographic Accounting Model
 23 Juvenile Aging, if you look in the cells
 24 themselves, for example, where you see -- you see
 25 the band of data that goes off to the right in the

243

1 center where there's a lot of empty space above
 2 and below?
 3 Q Yes.
 4 A Any one of those cells, if you look in there, will
 5 show the equation that calculates what the number
 6 is going forward year after year. So that
 7 documents exactly how the projection was made.
 8 Q You also state in Paragraph 26 that as of year
 9 2020 the Hispanic share of the citizen voting age
 10 population was 42.9 percent up from 40.9 percent
 11 as registered on the 2006 to 2010 ACS. Do you see
 12 that?
 13 A Yes.
 14 Q Where does the 42.9 percent number derive from?
 15 A If you look at the third column of numbers on that
 16 spreadsheet; that is to say under Assembly
 17 District 8, the top number of which is 28,279 --
 18 do you see that?
 19 Q Yes, I do.
 20 A Below you see 42.88. That's 42.9 percent rounded
 21 off.
 22 Q Got it. You then project that in November 2012
 23 Hispanics with constitute 44.9 percent of the CVAP
 24 in Assembly District 8, correct?
 25 A Did I say 40 --

244

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1 MS. LAZAR: Look at Paragraph 26.
2 Q It's Paragraph 26. "I project that Hispanics will
3 constitute at least 44.9 percent of the CVAP in
4 AD 8."
5 A In 2012. That encompasses both the effects of the
6 juvenile aging which gets you up to 44.62. If you
7 read over in that juvenile spreadsheet you see
8 where --
9 Q Yes.
10 A -- there is the 44.62. Then what I have done is
11 included an estimate that is based on the
12 mortality which is shown in the preceding
13 spreadsheet. So here we have a combination of
14 both the juveniles aging in and the elderly dying
15 off.
16 Q Now, why did you add it in at this particular
17 stage?
18 A I think I was just trying to make a statement that
19 was relevant or pertinent to the November 2012
20 election to a particular point in time. In other
21 words, what one has to do is one has to combine
22 what's in the juvenile aging spreadsheet which
23 gives you a particular Hispanic share as of a
24 particular year with the mortality estimate which
25 is shown in the preceding one. I'm not sure

245

1 exactly where -- I don't think I've shown an
2 annual calculation, but I've shown a five-year
3 difference.
4 Q Again, if I were to go to the spreadsheet where
5 it's on the electronic data, would I see that
6 number calculated in there with both of those
7 factors?
8 A No. You would not. You would not see them both
9 calculated in there. These are two separate
10 analyses. One was to combine them together. What
11 the juvenile one is showing is a little less than
12 a one percentage point increase. So I say aging
13 of the juveniles into the voting ages is
14 increasing the share by a little less than one
15 percentage point. And then when you go to the
16 five-year survival spreadsheet, you will then --
17 somewhere I've shown the estimate of how much
18 mortality alone is increasing the percentage, the
19 Hispanic share. So it's those two separate
20 analyses put together that gets you up to a
21 minimum estimate that I made. I think I said that
22 it was at least 1 or 1.1 percent increase per
23 year. I'm not sure where I said that.
24 Q That was something I was going to ask you about as
25 well. In Paragraph 27, where you're talking about

246

1 Assembly District 9, you talk about at least 1.1
2 percentage points per year, and then on the very
3 last page of the text of your report, Page 12,
4 this is in Paragraph 33, you say, "For CVAP I
5 calculate this increase will be at least 1 to 1.1
6 percentage points per year."
7 A I think Table 3 is the one that shows the final
8 amalgamation of these two effects. They don't fit
9 together tightly in a single calculation. You
10 have to sort of take one analysis and say this is
11 one driving factor and then you have to take the
12 mortality analysis and say this is another driving
13 factor and then you have to combine them together
14 and that combination is in Table 3.
15 Q Is there anything in your work papers or in the
16 electronic files that show how those two are
17 combined together to generate these numbers?
18 A I recollect that there is, but I don't know that I
19 can point to it. I know that I did the
20 calculation and I know that it was in my file and
21 I'm fairly certain it will be among the hard copy
22 documents rather than in an electronic file
23 because the electronic files are kind of the
24 set-up that gives the information to do the final
25 calculation and it's very likely that you would

247

1 see it on a hard copy very possibly with my
2 notations on it.
3 Q It might be in one of the documents we saw where
4 there was handwriting on it with some
5 calculations?
6 A Yes. That would be my first place to look. If
7 not, I would be happy to reconstruct it at some
8 point because I know it's somewhere on a piece of
9 paper.
10 Q I know there were a number of handwritten
11 notations on the ACS printouts that we looked at.
12 A Yes. It could be there. It would very likely be
13 a handwritten notation.
14 Q So for the projections that you make in
15 Paragraph 26 and Paragraph 27, that is essentially
16 the process that you just talked through a few
17 minutes ago from your demographic accounting model
18 with juvenile aging?
19 A You have to say that again. I believe that we
20 were both talking about the juvenile aging and the
21 mortality model together.
22 Q And that's what generates the output in your
23 Table 3?
24 A Yes. Table 3 is the summary of the data that I
25 regard as the scientifically best basis,

248

1 scientifically most accurate basis for
2 characterizing the Hispanic share of voting age
3 citizens on the basis of both the juvenile aging
4 process and the mortality process, and these
5 numbers set forth my opinion with a high degree of
6 scientific certainty as to what those percentages
7 will be in the future.
8 Q And these are the calculations that you were
9 referring to that we should be able to find when
10 we look through the hard copy documents?
11 A Correct.
12 Q All right. In Table 3 you estimate Hispanics will
13 not have a majority of the CVAP in Assembly
14 District 8 until November 2018, correct?
15 A That is correct.
16 Q And they won't have a majority of the CVAP in
17 Assembly District 9 even in 2020, correct?
18 A Correct.
19 Q Did you run your model at all beyond November
20 2020?
21 A No, I did not, but it would be entirely possible
22 to do so.
23 Q You don't render any opinion regarding at what
24 point of Hispanic CVAP is large enough to elect a
25 candidate of choice, do you?

249

1 A No, I don't.
2 Q And that's not an opinion that you will render at
3 trial, is it?
4 A No, it's not.
5 MR. POLAND: I'm done.
6
7 EXAMINATION
8 By Ms. Lazar:
9 Q Dr. Morrison, we're going to be very quick. I do
10 not need you to look at the exhibits. If you
11 recall, you produced a stack of documents that
12 were marked as Exhibit 49. In that stack of
13 documents there was a point where we discussed
14 where you were doing the percentage breakdowns for
15 the census tracts between AD 8 and AD 9, correct?
16 A Yes.
17 Q At that point in time you were asked some
18 questions about the allocation method that you
19 used. Would you state that the method you used
20 was the standard demographic practice?
21 A It would be a standard demographic practice in
22 that kind of circumstance where one had to make an
23 allocation and one had no available basis for
24 doing so.
25 Q And would that practice that you used be generally

250

1 accepted in the demographic community by most
2 demographers?
3 A It would be the generally accepted practice that
4 demographers use in this type of situation.
5 Q At the conclusion of that discussion you mentioned
6 the breakdowns going from census blocks to census
7 block groups to census tracts, and there was a
8 question regarding you didn't go down to the
9 census block to determine citizenship. Is that
10 even possible?
11 A It's not possible to measure citizenship at the
12 block level as of 2010 or ever since the 2000
13 census. There are no such data since the 2000
14 census except for the ACS, and that only goes down
15 to the block group level. It does not go down to
16 the block level.
17 Q Thank you. In this case you have provided two
18 reports. Both of them have been marked in this
19 case as Exhibits 32 and I believe 53; is that
20 correct?
21 A Correct.
22 Q Would you state that both of your reports have
23 been done to a reasonable probability based on
24 your education, training, and experience based
25 upon your background?

251

1 A I'm not sure what you mean to a reasonable
2 probability of what? A reasonable scientific
3 standard?
4 Q The questions I'm asking you come out of other
5 expert reports. I'm asking if you would agree
6 that your report as well was to a reasonable
7 probability based on your education, training, and
8 experience.
9 A Yes.
10 Q Would you also agree that your opinions expressed
11 in both those reports are to a reasonable
12 probability grounded on sound statistical practice
13 based upon your training and experience?
14 A Yes, I would.
15 Q And that the data you relied upon are typical of
16 the data relied upon by professional statisticians
17 in making statistical analysis in matters of this
18 nature?
19 A Yes, I would.
20 Q And would you also agree that your opinions are
21 based on the technical -- your opinions, let's
22 start that over. Would you also agree that your
23 opinions which are based on the technical and
24 specialized knowledge that you have gained from
25 your education, training, and experience are

252

1 premised on widely accepted and reliable methods
 2 of analysis and application of traditional
 3 redistricting criteria?
 4 MR. POLAND: I'm just going to
 5 object to the form of the question.
 6 Q You may answer.
 7 A Yes, I would.
 8 Q And that those opinions are based upon review and
 9 analysis of information and materials you received
 10 from the census, the ACS and/or Mr. Handrick?
 11 A Yes, I would.
 12 Q Finally, would state that your reports and
 13 opinions are at least to a reasonable degree of
 14 scientific certainty?
 15 A Yes, I would.
 16 MS. LAZAR: Thank you,
 17 Dr. Morrison.
 18
 19 RE-EXAMINATION
 20 By Mr. Poland:
 21 Q One follow-up question. Dr. Morrison, do I
 22 understand it to be the case that you can go down
 23 to the block group level to get citizenship data?
 24 A I believe you can with a five-year file, but I'm
 25 not even sure if you can do it to the block group

253

1 level. If you can, typically they have -- I'm
 2 sorry. I take that back. You could do that with
 3 the 2000 census special tabulation file. With the
 4 ACS file I know that they don't even publish the
 5 data at the block level. If they do publish it at
 6 the block group level, it typically has for this
 7 application margins of error that are so enormous
 8 as to render the data essentially useless.
 9 Q Do you know what the margins of error are?
 10 A I can give you a typical example. You might have
 11 a block group in which the ACS, and I'm just
 12 giving you an illustration of the kind of thing
 13 one would encounter -- I've seen this for whole
 14 census tracts so I know it would be true of block
 15 group, where the Hispanic share of the citizen
 16 voting age population might be measured as 35
 17 percent plus or minus 70 percentage points. So it
 18 could be anywhere from 0 to 100.
 19 Q And your understanding is that at the block group
 20 level the error rate in citizenship data is in the
 21 area of what you just stated?
 22 A What I'm saying is the margins of error are so
 23 large that it renders the data essentially useless
 24 for measuring anything at the block group level.
 25 I'm not even sure if they issue it at the block

254

1 group level. I do know that what happens is that
 2 in many instances you will have a census tract for
 3 which there is a measure based on five-year data
 4 and it may be that there will be within that
 5 census tract five census block groups that
 6 comprise it and the Census Bureau will issue data
 7 for one of those or two of those block groups but
 8 for the other three it will suppress the data
 9 because it's based on too few interviews. So what
 10 you will have is the appearance of a census tract
 11 in which several of the block groups have no
 12 residents but in fact they do have residents it's
 13 just the Census Bureau cannot disclose the number
 14 to you so it renders the data essentially useless.
 15 Q The sample size is too small to give any kind
 16 of --
 17 A That's correct. It may have been that in the
 18 block group they interviewed five people one of
 19 whom was Hispanic. So if they said this block
 20 group is 20 percent Hispanic they would say it's
 21 that guy that we interviewed and the other four
 22 weren't. They would immediately suppress it.
 23 They have confidentiality suppression criteria
 24 that they use. As I say, I'm not sure if they
 25 ever release block group data. I know that they

255

1 release census tract data and my recollection is
 2 that they under no circumstances release block
 3 data and I don't recall if they have block group
 4 data but I know it's essentially useless for any
 5 practical purpose.
 6 MR. POLAND: No other questions.
 7 MS. LAZAR: No other questions.
 8 Thank you, Dr. Morrison.
 9 (Adjourning at 7:07 p.m.)
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256

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

1 STATE OF WISCONSIN)
) ss.
2 COUNTY OF DANE)

3 I, SUSAN C. MILLEVILLE, a Court Reporter
4 and Notary Public duly commissioned and qualified in
5 and for the State of Wisconsin, do hereby certify
6 that pursuant to subpoena, there came before me on
7 the 18th day of January 2012, at 9:21 in the
8 forenoon, at Reinhart Boerner Van Deuren, S.C.,
9 Attorneys at Law, 1000 North Water Street, the City
10 of Milwaukee, County of Milwaukee, and State of
11 Wisconsin, the following named person, to wit:
12 PETER A. MORRISON, Ph.D., who was by me duly sworn to
13 testify to the truth and nothing but the truth of his
14 knowledge touching and concerning the matters in
15 controversy in this cause; that he was thereupon
16 carefully examined upon his oath and his examination
17 reduced to typewriting with computer-aided
18 transcription; that the deposition is a true record
19 of the testimony given by the witness.

20 I further certify that I am neither
21 attorney or counsel for, nor related to or employed
22 by any of the parties to the action in which this
23 deposition is taken and further that I am not a
24 relative or employee of any attorney or counsel
25 employed by the parties hereto or financially

257

1 interested in the action.
2 In witness whereof I have hereunto set my
3 hand and affixed my notarial seal this 20th day of
4 January 2012.

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Notary Public, State of Wisconsin

My commission expires
June 23, 2013

258

VIDEOTAPE DEPOSITION OF PETER A. MORRISON, Ph.D. 1/18/2012

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<p style="text-align: center;">1</p> <p>1 [80] - 52:7, 68:2, 84:13, 85:15, 89:3, 92:5, 102:12, 110:3, 110:5, 110:22, 113:13, 113:19, 115:13, 115:21, 116:2, 116:16, 118:18, 118:19, 119:15, 120:6, 120:25, 121:6, 121:10, 121:20, 121:23, 121:25, 122:13, 123:7, 124:16, 125:22, 126:3, 126:25, 127:22, 129:23, 131:4, 132:5, 133:6, 133:23, 134:1, 138:10, 138:14, 138:22, 139:1, 139:4, 139:8, 148:1, 148:4, 148:5, 148:17, 151:4, 151:15, 194:2, 194:3, 194:13, 203:19, 215:20, 216:3, 216:13, 216:17, 216:18, 216:20, 217:2, 217:3, 218:22, 219:10, 219:15, 220:17, 220:19, 221:23, 223:21, 225:6, 227:22, 240:24, 241:10, 241:11, 243:12, 246:22, 247:5 1,000 [6] - 176:17, 176:23, 177:1, 177:22, 195:25, 200:14 1,140 [1] - 227:24 1,319,439 [2] - 139:24, 141:4 1,500 [2] - 231:8,</p>	<p>174:22, 174:23, 174:25 10 [21] - 40:8, 44:16, 80:16, 82:2, 104:1, 130:10, 177:13, 177:14, 177:16, 177:22, 181:13, 181:15, 182:4, 182:15, 182:25, 183:10, 183:23, 184:8, 221:19, 223:2 10,816 [8] - 59:25, 60:6, 60:12, 61:14, 62:11, 64:8, 65:18, 69:1 10.1 [1] - 196:10 10.32 [1] - 85:21 10/90 [1] - 183:14 100 [9] - 176:18, 176:24, 178:12, 178:17, 182:7, 184:1, 203:23, 203:25, 254:18 1000 [3] - 4:11, 5:6, 257:9 10:46 [1] - 125:14 11 [5] - 78:25, 80:13, 80:20, 81:4, 222:25 11-CV-1011 [1] - 2:11 11-CV-562 [1] - 1:12 11.71 [1] - 86:22 12 [6] - 80:16, 82:2, 87:10, 88:7, 201:6, 247:3 12,000 [5] - 167:11, 173:7, 173:17, 175:17, 187:9 12,497 [12] - 167:12, 169:3, 169:12, 171:18, 176:20, 185:7, 186:8, 187:10, 187:23, 188:8, 188:10, 194:16 12/2 [1] - 56:19</p>	<p>12/2/2011 [1] - 56:17 12/9/2011 [2] - 56:13, 56:18 122,505 [1] - 86:17 122,516 [1] - 86:17 126,039 [8] - 121:19, 121:22, 121:23, 121:25, 122:16, 122:17, 232:11, 232:16 13 [4] - 3:18, 80:16, 82:2, 195:14 13.3 [3] - 122:18, 233:14, 234:1 133 [1] - 45:25 136,000 [1] - 117:20 14 [7] - 176:14, 176:15, 178:18, 179:4, 223:6, 223:8, 223:9 14.65 [1] - 149:17 14.9 [3] - 233:15, 234:1, 234:3 14th [6] - 77:10, 84:3, 125:9, 130:11, 155:15, 214:20 15 [17] - 30:1, 30:3, 34:18, 34:20, 35:24, 37:3, 37:6, 43:4, 43:12, 44:15, 52:8, 123:24, 154:3, 154:10, 195:14, 196:11, 225:16 15,384 [1] - 148:2 157 [17] - 26:20, 31:20, 34:2, 34:10, 34:12, 34:17, 34:21, 35:10, 35:11, 35:20, 37:10, 37:16, 37:23, 42:3, 42:4, 43:9, 44:23 158 [1] - 45:19 16 [5] - 226:2, 230:24, 232:4, 233:21, 233:23 161 [2] - 230:21, 232:2 163 [10] - 42:20, 43:3, 43:7, 44:14, 44:17, 44:24, 44:25, 45:1, 45:3, 52:7 164 [1] - 30:9 166 [1] - 3:5 169 [1] - 44:5 17 [6] - 5:3, 123:24, 202:15, 231:7, 241:23, 241:24 174 [1] - 3:19 18 [77] - 1:20, 14:5, 46:23, 62:20, 71:8,</p>	<p>85:16, 94:4, 98:8, 99:23, 100:9, 106:8, 106:9, 108:9, 119:21, 120:3, 120:5, 120:7, 120:8, 120:11, 120:12, 120:13, 122:25, 123:5, 123:15, 123:18, 124:1, 126:10, 128:9, 135:10, 136:16, 136:17, 137:12, 139:23, 140:9, 140:10, 140:14, 140:17, 140:20, 140:21, 141:10, 141:20, 144:17, 144:21, 144:22, 144:25, 147:18, 148:1, 149:15, 149:18, 149:19, 204:12, 206:25, 232:8, 232:21, 232:22, 233:11, 236:4, 237:14, 237:20, 237:22, 237:23, 237:24, 237:25, 238:1, 238:5, 241:14, 241:21, 241:22, 241:23, 241:25, 242:2, 242:12 1865 [2] - 26:20, 30:10 1868 [1] - 45:25 1874 [6] - 28:4, 28:7, 28:12, 31:21, 44:3 187400 [3] - 28:3, 28:5, 28:11 18th [2] - 4:13, 257:7 19 [4] - 184:13, 205:5, 205:7, 232:19 19,943 [1] - 126:16 19-year [1] - 99:23 19.67 [1] - 149:15 19/20th [1] - 175:21 19/20ths [3] - 174:25, 176:6, 176:10 194 [1] - 3:20 1980 [7] - 185:3, 187:5, 188:18, 189:4, 190:8, 191:13, 194:15 1990s [1] - 193:23 1993 [4] - 177:8, 180:20, 189:6, 192:6 1994 [1] - 202:1</p>	<p>46:21, 47:18, 50:1, 50:6, 50:10, 50:11, 50:12, 50:20, 51:9, 51:14, 51:21, 53:12, 54:3, 60:7, 60:11, 61:16, 62:19, 64:5, 68:16, 76:19, 78:17, 79:4, 81:12, 81:18, 81:23, 87:25, 120:9, 138:5, 138:10, 138:11, 138:16, 138:20, 139:4, 139:7, 139:13, 139:22, 139:23, 140:11, 142:15, 142:25, 143:5, 143:11, 143:18, 143:22, 150:18, 150:24, 152:10, 154:2, 171:2, 204:20, 204:21, 204:23, 226:19, 231:22, 237:9 2,092 [1] - 128:11 2,641 [1] - 60:1 2,791 [1] - 228:24 2,952 [2] - 228:7, 228:10 2.68 [1] - 114:9 2.7 [1] - 114:11 2.73 [10] - 110:18, 110:22, 110:24, 111:3, 111:9, 111:11, 111:24, 112:1, 114:2, 114:7 2.78 [1] - 114:9 2.8 [1] - 114:11 20 [10] - 182:14, 183:1, 189:14, 200:20, 201:23, 224:22, 234:6, 234:12, 234:25, 255:20 20-21 [1] - 202:2 2000 [39] - 10:25, 11:3, 11:11, 11:18, 11:22, 12:8, 12:19, 12:20, 14:15, 15:10, 16:14, 39:5, 39:11, 39:16, 40:2, 62:3, 62:7, 69:14, 74:4, 74:12, 74:13, 116:17, 118:21, 130:17, 130:22, 131:5, 132:3, 132:8, 132:21, 133:2, 133:8, 135:22, 189:12, 205:24, 225:23, 251:12, 251:13, 254:3 2004 [1] - 191:18 2005 [1] - 191:18</p>
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<p>2006 ^[35] - 3:14, 49:17, 59:6, 63:5, 64:20, 65:2, 65:6, 65:11, 65:20, 66:10, 68:2, 70:8, 91:8, 91:11, 91:14, 105:22, 106:4, 106:15, 106:22, 107:2, 107:3, 107:12, 110:2, 111:2, 111:13, 111:20, 116:7, 117:15, 144:25, 225:17, 226:16, 226:20, 229:3, 231:2, 244:11 2006-10 ^[1] - 58:24 2006-201 ^[2] - 110:16, 132:18 2006-2010 ^[9] - 107:21, 109:8, 110:22, 113:22, 114:24, 116:24, 117:12, 162:7, 243:1 2007 ^[2] - 107:5, 107:6 2008 ^[7] - 81:6, 81:18, 81:20, 81:23, 106:20, 107:8, 107:12 201 ^[1] - 3:21 2010 ^[129] - 3:14, 18:24, 19:8, 24:1, 24:19, 25:12, 27:17, 39:6, 39:11, 39:17, 39:25, 49:17, 59:6, 59:18, 62:5, 62:9, 63:5, 64:21, 65:2, 65:6, 65:11, 65:20, 66:10, 68:2, 70:7, 70:8, 74:4, 75:18, 76:2, 76:21, 78:7, 78:11, 78:14, 78:15, 80:18, 81:19, 91:2, 91:5, 91:11, 91:18, 92:5, 92:21, 93:2, 93:10, 93:12, 93:16, 103:13, 105:22, 106:4, 106:15, 106:22, 110:2, 110:7, 110:23, 110:25, 111:2, 111:4, 111:13, 111:17, 111:18, 111:20, 111:25, 113:15, 115:15, 115:20, 116:3, 116:4, 116:6, 116:7, 116:10, 116:18, 116:21, 117:10, 117:15, 119:15, 121:13, 122:2, 122:15, 124:16, 127:3, 128:19, 129:8,</p>	<p>129:24, 130:3, 130:15, 130:20, 131:12, 132:10, 132:13, 133:22, 133:25, 134:16, 134:25, 135:21, 135:23, 135:24, 138:15, 138:22, 139:8, 139:14, 140:6, 141:4, 144:25, 147:5, 147:10, 147:14, 147:15, 147:17, 148:4, 150:14, 150:18, 151:6, 151:24, 152:12, 162:7, 182:19, 207:10, 216:16, 219:24, 225:17, 226:17, 226:21, 229:3, 231:2, 233:14, 244:11, 251:12 2010.xls ^[1] - 146:8 2011 ^[2] - 3:16, 10:17 2012 ^[9] - 1:20, 3:18, 4:13, 77:16, 244:22, 245:5, 245:19, 257:7, 258:4 2013 ^[1] - 258:8 2015 ^[7] - 92:19, 93:3, 93:11, 99:3, 99:8, 99:21 2018 ^[1] - 249:14 2020 ^[5] - 233:15, 240:21, 244:9, 249:17, 249:20 20th ^[1] - 258:3 21 ^[1] - 236:3 2100 ^[1] - 5:7 214 ^[1] - 45:19 22 ^[7] - 3:16, 10:16, 83:8, 93:25, 97:10, 97:19, 98:11 22,624 ^[2] - 126:16, 128:11 222 ^[6] - 176:24, 179:12, 179:25, 180:6, 180:11, 180:25 23 ^[2] - 236:6, 258:8 24 ^[6] - 147:18, 148:2, 149:15, 149:18, 149:19, 149:25 248,794 ^[2] - 20:11, 20:25 25 ^[4] - 147:18, 149:19, 238:9, 238:12 25,295 ^[1] - 108:10 25,966 ^[2] - 99:25 250 ^[1] - 3:6 253,764 ^[2] - 20:10,</p>	<p>20:18 26 ^[7] - 158:11, 240:17, 243:12, 244:8, 245:1, 245:2, 248:15 26,4 ^[1] - 60:6 26,440 ^[3] - 60:11, 68:16, 69:1 262 ^[1] - 5:11 264 ^[1] - 68:14 27 ^[2] - 246:25, 248:15 28,279 ^[1] - 244:17 28th ^[3] - 84:10, 87:23, 160:2</p>	<p>4 4 ^[1] - 155:3 4,157,771 ^[1] - 112:16 4,160,993 ^[3] - 112:14, 112:15, 113:4 4,164,215 ^[1] - 112:15 4,354 ^[2] - 99:24 4.158 ^[1] - 112:20 4.164 ^[1] - 112:20 4.60 ^[1] - 86:22 40 ^[11] - 88:10, 89:19, 89:25, 90:3, 90:13, 90:15, 99:1, 99:5, 100:6, 100:20, 244:25 40.9 ^[9] - 47:4, 47:9, 61:1, 61:11, 68:24, 204:18, 204:22, 204:23, 244:10 400 ^[1] - 203:25 41.7 ^[2] - 60:24, 61:10 417 ^[1] - 5:10 42,567 ^[1] - 126:17 42.88 ^[1] - 244:20 42.9 ^[3] - 244:10, 244:14, 244:20 43 ^[20] - 33:16, 33:19, 33:23, 33:24, 54:19, 70:15, 70:19, 71:1, 73:2, 75:4, 75:8, 104:14, 142:12, 142:18, 142:22, 143:2, 182:11, 204:24, 207:8, 220:20 434,794 ^[1] - 135:12 44 ^[10] - 88:10, 89:19, 90:13, 90:15, 99:1, 99:5, 100:6, 100:21, 147:19, 149:19 44,000 ^[3] - 217:15, 217:16, 218:13 44.62 ^[2] - 245:6, 245:10 44.9 ^[2] - 244:23, 245:3 447-2199 ^[1] - 5:11 45 ^[4] - 90:2, 90:15, 99:12, 149:21 48 ^[6] - 3:11, 3:22, 5:14, 6:3, 7:15, 108:4 49 ^[19] - 3:12, 6:23, 6:24, 9:6, 9:11, 9:19, 10:5, 32:10, 32:11, 61:15, 64:7, 75:17,</p>	<p>85:2, 85:5, 85:25, 88:25, 90:15, 99:12, 250:12 49-A ^[10] - 3:14, 3:22, 67:12, 67:17, 67:21, 105:24, 105:25, 118:2, 118:6, 118:7 4a ^[1] - 82:2 4b ^[3] - 78:22, 79:25, 82:2</p>
	<p>5 5 ^[1] - 77:16 5,637,947 ^[1] - 109:15 5,686,986 ^[4] - 133:25, 134:22, 135:3, 140:13 5.5 ^[1] - 109:21 5.9 ^[1] - 134:24 5/184/253 ^[1] - 3:4 50 ^[10] - 3:15, 3:23, 7:11, 7:12, 54:10, 160:10, 183:19, 183:25, 184:4 50,738 ^[3] - 127:24, 128:21, 129:1 50.6 ^[1] - 154:9 500 ^[2] - 4:20, 203:23 51 ^[7] - 3:16, 3:17, 3:22, 82:24, 83:2, 83:23, 84:1 51.6 ^[1] - 154:2 51.89 ^[1] - 149:18 514,958 ^[1] - 22:4 52 ^[11] - 3:17, 83:14, 83:17, 83:24, 84:9, 84:14, 87:23, 89:2, 160:3, 237:5, 241:10 52,613 ^[1] - 53:3 53 ^[10] - 3:18, 114:14, 174:13, 174:14, 184:5, 184:20, 184:24, 191:9, 204:13, 251:19 53,177 ^[1] - 53:3 53.6 ^[1] - 154:9 53021 ^[1] - 5:10 53202 ^[2] - 4:24, 5:7 53703 ^[2] - 4:20, 5:3 54 ^[8] - 3:20, 192:24, 193:2, 193:3, 193:6, 194:2, 197:3, 199:4 54,010 ^[7] - 49:24, 51:11, 51:19, 52:12, 53:6, 57:5 55 ^[10] - 3:21, 3:22, 13:9, 17:2, 17:7,</p>			

<p>17:13, 58:7, 201:4, 201:16, 201:24 55,13 [5] - 48:15, 49:20, 53:11, 57:6, 57:8 55079 [4] - 16:22, 17:3, 17:11, 17:13 57,233 [1] - 143:9 57,246 [10] - 51:22, 51:25, 52:11, 53:13, 57:5, 142:16, 143:4, 169:11, 170:24, 171:14 574,656 [1] - 21:25 5:00 [1] - 56:13</p>	<p>70 [1] - 254:17 703,948 [1] - 93:8 711,358 [6] - 122:22, 122:25, 123:6, 126:25, 127:10, 127:11 712,692 [5] - 126:15, 126:18, 127:4, 127:9, 127:11 74 [1] - 149:21 75 [1] - 149:21 76 [2] - 15:7, 73:12 76,100 [3] - 92:24, 92:25, 93:2 77,116 [1] - 123:10 7:07 [1] - 256:9</p>	<p>839 [1] - 4:23 85 [9] - 29:25, 30:2, 34:9, 34:16, 34:25, 35:18, 35:23, 37:6 85/15 [3] - 37:19, 42:5, 45:7 86 [4] - 176:23, 178:13, 178:17, 180:6 86.0 [1] - 93:17 87 [1] - 37:5 8th [7] - 170:23, 182:10, 182:13, 205:15, 206:1, 206:2, 207:5</p>	<p>90:12 9911 [3] - 90:7, 90:11, 90:16 9:21 [2] - 4:14, 257:7</p>	<p>96:14, 97:6, 100:5, 235:23, 238:13, 238:15, 239:3, 239:6, 240:14, 241:1, 241:6, 243:14, 248:17 accumulate [1] - 107:14 accumulated [1] - 60:20 accuracy [2] - 57:11, 58:13 accurate [5] - 111:7, 196:16, 196:22, 198:4, 249:1 accurately [2] - 37:19, 198:25 acquire [2] - 168:16, 168:19 ACS [110] - 3:14, 49:3, 59:5, 59:10, 59:16, 60:17, 61:8, 61:10, 61:21, 62:13, 63:5, 63:14, 64:21, 65:2, 65:6, 65:8, 65:11, 65:15, 65:20, 66:5, 66:9, 68:2, 68:19, 105:22, 106:4, 106:12, 107:21, 108:24, 109:1, 109:4, 109:8, 109:9, 109:17, 109:21, 110:2, 110:6, 110:8, 110:10, 110:16, 111:17, 111:18, 111:20, 112:9, 113:22, 114:24, 115:9, 115:16, 115:20, 115:22, 115:23, 116:12, 116:20, 116:21, 116:24, 117:12, 117:15, 117:17, 124:14, 128:21, 129:4, 129:6, 132:18, 136:3, 136:7, 137:17, 139:16, 140:4, 140:6, 140:15, 140:17, 140:21, 141:4, 141:9, 141:11, 141:21, 144:13, 144:20, 144:25, 161:23, 162:7, 204:16, 215:12, 216:5, 216:16, 225:17, 226:2, 226:17, 226:20, 227:1, 227:24, 228:4, 229:3, 229:13, 229:18, 229:19, 231:2, 231:7, 231:20, 231:21, 237:19,</p>
6		9	A	
<p>6 [3] - 3:11, 3:13, 226:19 6.56 [1] - 117:5 6.76 [3] - 115:11, 115:18, 116:15 6.96 [1] - 117:5 605,044 [2] - 86:16, 93:9 605,054 [1] - 86:16 62.1 [3] - 57:16, 58:5, 58:23 62.6 [1] - 154:9 62.8 [2] - 57:15, 58:4 639 [11] - 167:15, 169:2, 169:13, 174:3, 174:19, 189:18, 190:5, 196:15, 197:6, 201:11, 202:2 64 [1] - 149:21 65 [5] - 103:25, 104:2, 120:15, 149:21, 236:19 65.6 [1] - 154:9 66.6 [1] - 154:2 67 [1] - 3:14 670,1 [1] - 126:2 670,124 [3] - 126:2, 127:23, 129:2 68.2 [1] - 58:7</p>	8	<p>9 [43] - 14:6, 23:19, 25:2, 25:4, 25:6, 25:10, 27:12, 29:14, 29:19, 33:15, 44:20, 45:4, 45:5, 45:17, 45:20, 45:23, 46:5, 50:14, 54:4, 59:9, 63:11, 66:25, 97:3, 105:5, 105:16, 139:19, 142:2, 142:5, 143:9, 143:11, 143:20, 144:14, 144:16, 218:21, 219:7, 220:20, 221:16, 222:21, 231:25, 242:21, 247:1, 249:17, 250:15 9,000 [1] - 181:19 90 [3] - 40:9, 112:17, 182:5 90,000 [2] - 181:19, 181:21 900 [5] - 179:7, 179:25, 180:12, 180:25, 181:18 900,000 [1] - 181:25 92,893 [1] - 148:9 93.9 [2] - 93:14, 93:16 947,735 [4] - 122:2, 122:12, 122:16, 122:17 95 [2] - 112:17, 196:3 96,187 [3] - 90:2, 90:4, 90:5 97,048 [3] - 90:1, 90:3, 90:6 9798 [1] - 90:16 98.6 [2] - 202:20, 202:22 9867 [1] - 90:16 99.11 [2] - 88:12,</p>	<p>abbreviated [3] - 174:18, 198:10, 199:9 able [15] - 26:5, 26:13, 49:25, 50:19, 64:16, 65:10, 110:25, 148:23, 155:9, 171:16, 171:18, 171:21, 171:23, 177:9, 249:9 aboard [1] - 231:9 abridged [1] - 196:15 abroad [2] - 230:1, 231:19 absence [2] - 94:8, 97:22 absolute [2] - 34:16, 91:17 absolutely [1] - 162:16 accept [1] - 211:25 acceptable [1] - 107:23 accepted [3] - 251:1, 251:3, 253:1 access [3] - 8:24, 162:4, 180:17 accessing [1] - 161:5 according [8] - 60:17, 61:3, 182:15, 182:17, 182:18, 183:20, 184:1 account [12] - 52:10, 97:4, 97:6, 97:23, 98:1, 199:14, 218:13, 239:4, 239:16, 239:22, 239:23, 239:25 Accountability [5] - 1:14, 2:2, 2:13, 2:16, 4:5 accounted [7] - 27:5, 96:12, 96:21, 98:9, 98:14, 98:22, 217:25 Accounting [13] - 70:13, 71:3, 71:6, 71:7, 71:10, 71:17, 71:19, 72:3, 72:18, 88:3, 97:17, 241:12, 243:22 accounting [16] - 88:20, 94:11, 94:17,</p>	
7				
<p>7 [5] - 3:15, 46:18, 46:19, 214:24, 215:19 7,589 [3] - 88:11, 90:24 7.6 [9] - 115:14, 115:21, 116:10, 117:8, 117:10, 128:25, 129:5, 129:10, 130:3</p>	<p>8 [83] - 14:6, 23:18, 25:1, 25:4, 25:6, 25:10, 27:14, 29:12, 29:18, 30:2, 30:3, 30:9, 30:12, 31:18, 32:13, 32:19, 33:9, 33:10, 33:14, 34:19, 34:22, 38:4, 38:5, 43:5, 43:13, 44:19, 44:22, 45:2, 47:3, 47:7, 49:8, 50:14, 51:5, 51:6, 52:6, 52:16, 53:1, 53:13, 54:4, 59:9, 60:9, 61:2, 61:6, 63:10, 66:24, 68:14, 93:25, 97:3, 105:4, 105:16, 139:19, 142:1, 142:5, 142:16, 142:20, 143:3, 143:6, 143:16, 144:14, 144:16, 174:17, 184:25, 204:17, 204:24, 205:2, 205:19, 206:6, 207:8, 207:9, 217:6, 218:20, 220:20, 221:16, 222:21, 231:25, 240:18, 242:21, 244:17, 244:24, 245:4, 249:14, 250:15 8,000 [3] - 217:14, 217:17, 218:14 8.0 [2] - 195:15, 196:8 80 [3] - 37:4, 196:1, 200:15 81,033 [2] - 92:25, 93:2 83 [2] - 3:16, 3:17</p>			

<p>243:1, 244:11, 248:11, 251:14, 253:10, 254:4, 254:11 ACT [2] - 54:19, 71:1 Act [18] - 33:16, 33:19, 33:23, 33:24, 70:15, 70:19, 73:2, 75:4, 75:8, 104:14, 142:12, 142:18, 142:22, 143:2, 182:11, 204:24, 207:8, 220:20 ACT43 [1] - 69:24 action [2] - 257:22, 258:1 actual [7] - 35:25, 37:19, 154:10, 160:18, 206:17, 217:11, 218:5 AD [36] - 25:1, 25:2, 25:4, 25:6, 25:10, 29:12, 29:14, 29:18, 29:19, 30:9, 30:12, 31:18, 32:13, 32:19, 38:4, 38:5, 45:17, 45:20, 45:23, 47:7, 49:8, 51:6, 52:6, 52:16, 53:1, 53:13, 59:9, 68:14, 205:19, 245:4, 250:15 AD8 [3] - 24:4, 24:20, 27:17 AD9 [3] - 24:4, 24:20, 27:18 add [8] - 62:16, 107:14, 158:16, 162:24, 232:2, 233:2, 233:3, 245:16 added [7] - 123:20, 123:21, 124:1, 136:19, 218:12, 233:25, 241:20 adding [4] - 120:10, 227:11, 233:6, 242:11 addition [2] - 6:17, 104:23 additional [4] - 75:23, 78:10, 188:17, 188:24 address [1] - 119:17 addressing [2] - 152:18 adds [4] - 162:23, 180:6, 241:25, 242:3 adhere [1] - 36:21 ADJ [5] - 48:24, 48:25, 49:9, 49:15, 59:21 adjacent [6] - 220:23, 220:24,</p>	<p>221:22, 222:6, 222:22 adjoining [1] - 220:9 Adjourning [1] - 256:9 adjusted [1] - 59:21 Adjusted [4] - 49:16, 49:17, 59:20, 210:24 adjusting [1] - 155:12 adjustment [1] - 76:13 adjustments [5] - 32:1, 32:3, 52:16, 52:17, 52:23 adult [4] - 100:7, 100:8, 237:15, 238:7 adults [1] - 206:23 advance [1] - 199:8 advice [1] - 161:24 affect [7] - 91:19, 166:24, 222:17, 235:4, 235:10, 235:11, 239:6 affects [1] - 218:12 affixed [1] - 258:3 African [7] - 20:7, 20:9, 20:17, 20:22, 20:23, 21:20, 21:21 age [176] - 4:2, 11:3, 12:14, 14:5, 18:6, 18:8, 18:9, 18:11, 18:25, 22:15, 22:19, 30:24, 34:13, 34:14, 49:2, 59:2, 59:4, 59:22, 60:13, 60:17, 60:24, 62:4, 65:15, 74:1, 76:12, 76:14, 77:4, 78:20, 79:2, 79:5, 79:7, 79:10, 79:13, 80:23, 80:24, 82:14, 82:15, 90:3, 90:13, 90:17, 90:18, 90:19, 91:15, 92:17, 92:22, 93:2, 93:3, 93:10, 93:11, 93:12, 93:15, 93:19, 94:4, 94:6, 94:13, 96:19, 96:20, 96:24, 97:8, 97:21, 100:5, 100:6, 100:9, 100:13, 100:19, 100:20, 101:10, 101:12, 101:13, 103:20, 103:24, 104:2, 106:8, 106:9, 110:21, 111:12, 113:14, 115:18, 116:5, 116:7, 117:9, 118:20, 120:2, 120:10, 121:16, 122:19, 123:8,</p>	<p>124:12, 126:6, 127:22, 128:19, 130:1, 131:7, 137:4, 137:13, 140:7, 140:21, 144:17, 144:25, 146:16, 147:2, 147:4, 147:6, 147:12, 147:18, 147:20, 147:22, 148:1, 148:16, 149:16, 149:19, 149:21, 149:24, 149:25, 150:1, 150:3, 151:9, 153:5, 153:9, 153:13, 153:17, 153:23, 154:5, 154:16, 154:22, 155:4, 155:12, 157:14, 199:2, 204:19, 206:7, 206:12, 206:14, 206:25, 207:4, 207:8, 210:20, 215:1, 215:23, 215:24, 216:2, 216:4, 216:23, 216:24, 217:1, 220:1, 220:14, 220:16, 234:6, 235:4, 235:7, 235:11, 235:24, 236:4, 236:19, 237:14, 238:1, 238:5, 238:16, 238:21, 238:23, 240:19, 241:14, 242:1, 242:5, 242:8, 242:24, 244:9, 249:2, 254:16 Age [15] - 49:15, 76:20, 85:16, 89:25, 90:2, 119:12, 125:17, 125:23, 134:15, 134:19, 135:5, 136:12, 141:20, 146:7, 210:24 agency [2] - 55:25, 95:15 Ages [1] - 138:12 ages [12] - 14:5, 53:13, 91:22, 95:1, 100:2, 122:1, 123:23, 137:16, 153:16, 236:20, 238:22, 246:13 aggregate [4] - 25:17, 100:15, 199:24, 227:3 aggregated [3] - 108:10, 108:15, 110:2 aggregating [3] - 60:20, 60:25, 140:9 aggregation [5] -</p>	<p>31:4, 31:8, 107:1, 108:18, 221:12 Aging [8] - 70:13, 71:17, 71:21, 72:4, 72:19, 241:7, 241:12, 243:23 aging [15] - 72:6, 94:14, 94:25, 97:13, 97:24, 98:1, 137:15, 239:17, 245:6, 245:14, 245:22, 246:12, 248:18, 248:20, 249:3 ago [10] - 8:25, 15:16, 16:12, 76:15, 124:9, 124:21, 224:21, 224:22, 248:17 agree [7] - 61:1, 172:18, 172:22, 252:5, 252:10, 252:20, 252:22 agreement [1] - 155:19 ahead [7] - 6:21, 64:24, 110:14, 125:3, 132:18, 201:22, 243:8 aided [1] - 257:17 al [4] - 4:3, 4:5, 4:21, 4:25 alive [4] - 88:13, 90:5, 90:13, 230:6 allocate [3] - 32:4, 34:8, 36:10 allocated [4] - 38:3, 43:3, 43:12, 46:4 allocating [4] - 36:16, 36:24, 38:18, 41:22 allocation [20] - 29:24, 30:15, 35:22, 36:1, 36:4, 36:22, 41:19, 42:5, 42:7, 42:10, 42:14, 42:16, 48:2, 49:22, 51:2, 52:1, 60:21, 61:11, 250:18, 250:23 allocations [10] - 33:6, 43:22, 43:24, 50:2, 50:16, 50:18, 52:3, 52:13, 53:8, 57:11 allow [4] - 39:23, 114:16, 169:10, 199:14 allowed [1] - 104:9 allows [2] - 107:21, 150:1 almost [4] - 19:16, 21:2, 22:7, 40:20</p>	<p>alone [2] - 238:17, 246:18 alter [1] - 62:15 altering [1] - 58:2 alternative [5] - 110:9, 195:18, 198:4, 198:25, 204:9 ALVIN [1] - 1:3 Alvin [2] - 4:3, 4:21 amalgamation [1] - 247:8 ambiguity [1] - 85:13 America [2] - 224:11, 228:16 American [29] - 14:16, 18:19, 20:7, 20:9, 20:17, 20:23, 21:21, 23:10, 59:2, 60:10, 62:24, 70:5, 70:7, 70:8, 72:7, 119:1, 120:23, 124:15, 124:17, 127:3, 127:5, 127:12, 132:12, 135:24, 137:24, 157:16, 161:6, 167:24, 215:4 Americans [2] - 20:24, 21:20 amount [5] - 41:23, 101:14, 183:8, 194:24, 205:22 AMY [1] - 1:7 analogy [1] - 107:25 analyses [7] - 201:8, 208:13, 208:18, 208:23, 209:5, 246:10, 246:20 Analysis [1] - 114:3 analysis [64] - 18:3, 22:10, 25:13, 38:3, 42:17, 44:9, 45:10, 45:11, 45:12, 65:25, 66:4, 66:7, 70:5, 72:7, 76:9, 78:20, 79:3, 79:6, 86:9, 87:4, 92:7, 94:9, 94:22, 97:18, 100:17, 101:20, 101:22, 103:15, 109:22, 115:1, 120:17, 131:2, 138:2, 147:7, 157:7, 166:12, 166:14, 166:25, 169:20, 170:1, 170:8, 170:10, 170:19, 174:5, 175:19, 195:24, 199:21, 203:3, 203:11, 203:12, 203:14, 204:7, 207:22, 208:14, 209:15,</p>
---	--	--	--	---

<p>213:6, 229:9, 234:7, 247:10, 247:12, 252:17, 253:2, 253:9 Analysis.xls [2] - 3:14, 117:15 Analysis.xlsx [4] - 65:11, 68:2, 105:22, 106:4 annual [13] - 81:17, 106:18, 106:19, 107:1, 226:3, 227:2, 227:4, 227:6, 229:21, 231:1, 231:8, 232:12, 246:2 annually [4] - 228:9, 232:5, 232:9, 240:20 answer [14] - 14:6, 63:25, 70:23, 108:4, 108:7, 155:10, 156:19, 168:9, 175:23, 180:14, 180:18, 210:13, 253:6 answering [1] - 211:3 answers [2] - 120:17, 239:11 anticipate [1] - 174:2 anticipated [2] - 55:15, 131:12 anticipating [1] - 80:12 anticipation [1] - 175:10 anyplace [1] - 96:25 apart [3] - 94:14, 162:18, 235:1 apartment [1] - 37:23 apartments [2] - 37:15, 48:7 apologies [1] - 160:7 appear [12] - 33:16, 46:2, 60:19, 64:21, 94:17, 94:19, 95:20, 118:25, 140:3, 148:20, 187:23, 216:17 appearance [1] - 255:10 appeared [1] - 52:9 appearing [4] - 4:20, 4:24, 5:4, 5:7 Appendix [5] - 191:8, 193:13, 193:19, 196:25, 210:23 apple [1] - 140:25 application [3] - 198:23, 253:2, 254:7 applied [2] - 103:15,</p>	<p>103:17 applies [1] - 199:6 apply [5] - 92:10, 92:14, 159:2, 191:5, 198:4 Approach [1] - 193:23 approach [5] - 147:3, 178:10, 182:9, 191:25, 195:6 approaches [1] - 36:23 appropriate [3] - 43:24, 198:22, 198:24 approximate [2] - 50:19, 199:20 approximated [1] - 51:5 approximation [5] - 37:7, 37:8, 57:12, 57:24, 58:1 approximations [1] - 50:15 arbitrarily [1] - 58:10 area [38] - 21:8, 21:22, 23:20, 24:13, 24:17, 24:25, 26:7, 27:1, 27:18, 28:11, 39:19, 40:23, 41:12, 66:13, 133:13, 133:16, 152:2, 157:9, 168:16, 199:19, 199:20, 200:6, 220:10, 220:25, 221:11, 222:6, 222:9, 222:18, 224:1, 224:21, 224:25, 225:11, 225:13, 225:15, 227:21, 254:21 areas [11] - 23:18, 24:15, 27:2, 66:18, 158:2, 219:19, 220:23, 221:2, 222:14, 228:20, 228:21 argumentative [1] - 175:7 Arizona [5] - 80:4, 80:6, 80:7, 80:8, 80:11 arranged [1] - 23:12 arrive [2] - 134:24, 233:12 arrives [1] - 82:14 arrow [8] - 42:21, 42:24, 44:6, 123:18, 123:19, 126:11, 126:19, 126:22 arrows [3] - 126:9,</p>	<p>133:4 article [3] - 177:8, 180:20, 183:5 articles [4] - 8:21, 160:16, 161:8, 208:21 artifact [1] - 226:14 ascertain [1] - 171:22 ascertaining [1] - 209:10 aside [1] - 181:15 aspect [1] - 18:3 assemble [1] - 213:23 assembled [3] - 14:4, 61:24, 63:5 assembly [13] - 14:17, 22:22, 25:18, 33:16, 33:21, 157:9, 170:24, 182:11, 182:13, 205:15, 205:16, 220:21, 243:5 Assembly [58] - 14:6, 23:18, 23:19, 27:11, 27:14, 33:9, 33:10, 33:14, 33:15, 34:19, 34:22, 43:5, 44:19, 44:20, 44:22, 45:5, 46:5, 47:3, 50:13, 50:14, 54:4, 60:9, 61:2, 61:6, 63:7, 63:10, 63:11, 66:24, 72:12, 97:2, 105:15, 139:19, 142:1, 142:2, 142:5, 142:15, 143:5, 143:11, 144:14, 144:15, 204:17, 204:24, 205:2, 206:6, 207:8, 207:9, 220:19, 221:16, 222:21, 231:24, 240:18, 242:20, 244:16, 244:24, 247:1, 249:13, 249:17 assess [2] - 169:10, 172:21 assessment [2] - 186:15, 196:16 Assistant [1] - 5:2 associated [5] - 113:3, 116:24, 137:18, 211:10, 235:19 associating [1] - 235:21 assume [6] - 11:14, 59:21, 59:22, 86:20, 163:16, 180:24 assumes [3] - 175:20, 242:6, 242:7</p>	<p>assuming [4] - 47:12, 235:3, 235:6, 235:25 assumption [4] - 98:15, 190:25, 191:4, 198:16 assumptions [5] - 158:4, 190:14, 190:18, 190:21, 234:19 assure [1] - 161:9 assuring [1] - 27:4 attached [8] - 3:22, 3:23, 19:23, 22:24, 87:22, 160:2, 187:20, 237:2 attaching [1] - 155:16 attain [1] - 94:3 attendee [2] - 98:17, 98:19 attention [5] - 32:16, 46:9, 75:16, 213:22, 217:5 Attorney [5] - 3:25, 4:19, 4:22, 5:2, 5:5 attorney [2] - 257:21, 257:24 Attorneys [5] - 4:11, 4:19, 4:23, 5:6, 257:9 attracting [1] - 222:17 attribution [2] - 187:5, 187:13 Author [1] - 75:13 author [2] - 189:9, 193:16 authored [2] - 161:7, 193:9 authority [2] - 191:22, 191:23 authors [5] - 161:7, 163:5, 163:8, 193:10, 195:15 available [24] - 9:2, 16:8, 21:7, 21:9, 21:12, 22:16, 67:8, 76:12, 78:14, 81:22, 91:15, 102:5, 103:9, 105:5, 105:7, 129:24, 132:12, 151:12, 160:16, 160:21, 165:24, 188:4, 240:15, 250:23 average [2] - 180:11, 227:1 averages [2] - 106:18, 106:19 aware [7] - 58:11, 162:25, 168:16,</p>	<p>168:22, 168:25, 211:20, 229:20 AZ [1] - 80:4</p> <p style="text-align: center;">B</p> <p>B05003 [7] - 124:17, 125:17, 127:17, 128:4, 128:8, 136:10, 137:7 B05003I [3] - 124:18, 128:1, 128:5 background [1] - 251:25 Balanced [1] - 212:10 Baldus [2] - 4:3, 4:21 BALDUS [1] - 1:3 BALDWIN [1] - 1:10 ballpark [1] - 48:22 band [2] - 112:16, 243:25 BARBERA [1] - 1:3 barest [1] - 155:23 BARLAND [2] - 1:16, 2:15 barriers [5] - 211:15, 211:17, 211:21, 211:23, 212:3 base [3] - 217:11, 217:13, 218:5 based [62] - 21:1, 31:4, 31:8, 49:3, 59:2, 59:10, 59:15, 59:16, 60:20, 61:8, 64:17, 64:20, 66:9, 74:4, 82:15, 103:19, 108:19, 109:16, 109:21, 110:9, 111:5, 111:16, 111:17, 113:21, 115:9, 116:4, 127:2, 127:7, 133:1, 139:15, 139:19, 140:13, 140:15, 144:20, 150:21, 151:22, 155:10, 162:17, 166:14, 177:25, 183:4, 195:24, 197:23, 206:10, 208:5, 216:15, 226:16, 229:3, 231:1, 234:19, 236:16, 245:11, 251:23, 251:24, 252:7, 252:13, 252:21, 252:23, 253:8, 255:3, 255:9 basic [1] - 138:4 basis [23] - 36:25,</p>
---	--	---	---	---

<p>37:11, 48:4, 58:1, 93:18, 94:11, 107:7, 149:12, 151:16, 174:4, 186:25, 188:21, 191:19, 211:3, 211:25, 227:6, 236:8, 236:23, 237:18, 248:25, 249:1, 249:3, 250:23 Bayesian [1] - 195:6 BECHEN [1] - 1:3 become [7] - 39:19, 39:20, 93:2, 99:25, 237:15, 238:7, 241:25 becomes [3] - 99:24, 100:14, 122:13 begin [1] - 234:6 beginning [2] - 134:5, 223:8 begun [1] - 89:16 behalf [5] - 4:2, 4:20, 4:24, 5:4, 5:7 behind [4] - 89:2, 237:9, 241:10, 241:11 believes [1] - 156:13 BELL [1] - 1:7 belong [1] - 72:17 below [18] - 10:11, 20:6, 21:11, 26:19, 31:16, 48:24, 51:12, 53:7, 59:20, 62:25, 65:9, 86:16, 90:1, 92:6, 114:1, 122:19, 244:2, 244:20 benchmark [4] - 50:8, 51:25, 52:11, 53:7 beneath [1] - 190:18 Bernard [1] - 145:4 best [19] - 57:20, 60:22, 63:9, 63:24, 108:18, 109:16, 113:20, 127:21, 129:13, 129:24, 140:20, 156:15, 160:3, 160:5, 177:15, 177:23, 184:11, 199:12, 248:25 better [4] - 44:15, 58:1, 161:23, 188:20 between [22] - 9:18, 9:21, 21:17, 28:13, 45:19, 52:11, 56:24, 58:4, 66:10, 106:8, 112:19, 114:8, 137:11, 139:6, 154:2, 154:9, 154:11, 154:25, 197:14, 200:12, 250:15 beyond [5] - 9:12,</p>	<p>26:8, 94:25, 158:6, 249:19 Biar [2] - 171:12, 171:13 BIAR [2] - 171:12, 171:17 BIENDSEIL [1] - 1:3 big [2] - 217:16, 217:25 binary [1] - 187:11 binder [2] - 146:13, 146:14 birth [1] - 218:2 births [3] - 217:18, 217:25, 218:12 bit [14] - 8:10, 13:16, 25:20, 46:14, 52:21, 100:14, 101:5, 104:15, 139:3, 142:3, 166:8, 182:9, 184:23, 234:9 black [8] - 20:7, 20:9, 218:24, 219:9, 220:18, 220:24, 221:2, 221:16 Black [3] - 20:17, 20:22, 21:18 blacks [3] - 19:16, 20:23, 21:2 blank [1] - 99:3 Block [4] - 130:15, 130:17, 130:20, 130:22 block [59] - 21:13, 28:6, 35:10, 35:14, 39:16, 39:20, 39:25, 40:5, 40:7, 40:9, 40:14, 40:17, 40:20, 40:22, 40:23, 41:1, 41:3, 41:4, 41:5, 41:11, 41:21, 41:24, 42:6, 42:7, 42:14, 42:17, 43:16, 48:6, 50:15, 62:19, 87:6, 219:24, 220:3, 220:7, 221:8, 251:7, 251:9, 251:12, 251:15, 251:16, 253:23, 253:25, 254:5, 254:6, 254:11, 254:14, 254:19, 254:24, 254:25, 255:5, 255:7, 255:11, 255:18, 255:19, 255:25, 256:2, 256:3 blocks [13] - 26:10, 36:17, 39:4, 39:12, 39:18, 40:8, 41:4, 42:1, 42:15, 43:17, 50:23, 66:16, 251:6</p>	<p>blurred [1] - 119:16 Board [5] - 1:14, 2:2, 2:13, 2:16, 4:5 BOERNER [1] - 5:6 Boerner [2] - 4:10, 257:8 bog [1] - 79:22 bold [1] - 52:25 bones [1] - 155:23 book [5] - 159:20, 223:21, 223:24, 225:5, 225:6 BOONE [2] - 1:4 boost [6] - 94:7, 94:13, 94:24, 97:21, 101:13, 221:20 born [2] - 217:22, 240:3 Boston [1] - 222:12 bottom [40] - 11:13, 11:25, 12:24, 13:25, 20:22, 45:16, 47:8, 65:6, 69:11, 72:11, 75:18, 77:15, 82:9, 84:16, 84:24, 85:16, 86:15, 91:3, 92:22, 93:1, 93:13, 106:3, 109:7, 112:12, 117:3, 118:14, 119:15, 122:24, 123:3, 126:24, 130:12, 130:14, 153:4, 174:17, 175:17, 182:12, 196:13, 201:23, 202:15, 212:17 bouncing [1] - 58:16 boundaries [6] - 25:5, 25:10, 36:17, 209:11, 219:16, 220:18 boundary [6] - 35:20, 182:13, 219:9, 220:24, 221:2, 221:16 box [10] - 123:22, 178:16, 178:19, 178:24, 179:1, 179:10, 179:14, 179:20, 180:4, 185:14 Brace [3] - 15:7, 15:15, 15:25 brains [1] - 191:21 branches [1] - 126:23 break [12] - 13:3, 13:13, 14:24, 17:18, 31:14, 32:7, 64:16, 69:7, 73:22, 88:15, 88:18, 209:18 breakdowns [2] -</p>	<p>250:14, 251:6 BRENNAN [2] - 1:15, 2:14 BRETT [1] - 1:5 bring [4] - 8:11, 8:16, 38:25, 46:11 broad [1] - 147:17 broke [3] - 32:9, 32:17, 64:4 broken [4] - 22:16, 46:8, 147:12, 147:20 brought [3] - 3:12, 68:4, 155:14 Building [2] - 3:20, 193:22 buildings [1] - 37:24 built [2] - 70:5, 234:13 BUMPUS [1] - 1:4 bureau [2] - 189:8, 192:17 Bureau [62] - 11:5, 16:5, 16:7, 16:11, 18:18, 18:21, 23:10, 36:14, 39:2, 39:4, 39:7, 39:21, 40:4, 40:18, 40:25, 41:13, 43:20, 50:5, 50:8, 50:9, 55:24, 75:25, 76:4, 77:14, 77:20, 78:7, 78:13, 95:12, 95:13, 95:18, 106:20, 119:1, 119:6, 120:23, 150:21, 161:5, 162:2, 168:20, 169:7, 172:4, 172:10, 173:23, 175:2, 176:7, 176:11, 180:16, 180:22, 185:3, 186:17, 188:14, 189:3, 189:15, 191:15, 191:23, 192:9, 192:14, 193:18, 194:16, 199:5, 255:6, 255:13 Bureau's [12] - 36:21, 38:8, 38:9, 39:14, 39:15, 147:24, 150:22, 171:9, 172:2, 175:17, 176:19, 225:17 buying [1] - 198:13</p>	<p>232:11, 235:18, 247:5 calculated [18] - 64:20, 106:23, 106:25, 108:25, 126:4, 126:5, 127:16, 128:18, 128:21, 129:16, 137:21, 140:7, 144:9, 206:9, 216:12, 232:3, 246:6, 246:9 calculates [3] - 149:13, 149:14, 244:5 Calculating [1] - 75:19 calculating [8] - 22:17, 57:25, 59:5, 93:19, 111:19, 111:20, 120:15, 131:15 calculation [30] - 31:6, 31:11, 47:15, 47:17, 47:18, 68:12, 113:25, 122:15, 123:17, 126:14, 135:6, 141:16, 144:2, 178:9, 205:18, 206:4, 216:10, 227:7, 227:10, 227:13, 232:25, 233:17, 233:18, 241:17, 242:4, 242:13, 246:2, 247:9, 247:20, 247:25 calculations [47] - 45:11, 45:12, 47:20, 57:9, 58:14, 58:18, 58:21, 65:14, 65:17, 68:24, 75:24, 77:5, 82:13, 87:12, 92:8, 94:16, 94:19, 98:10, 98:23, 109:24, 113:12, 119:24, 120:5, 123:11, 128:3, 129:22, 131:11, 131:17, 131:25, 133:1, 134:21, 142:9, 144:18, 151:17, 151:19, 163:1, 216:20, 217:4, 233:12, 241:1, 241:13, 242:17, 242:25, 243:14, 243:17, 248:5, 249:8 calibrated [1] - 238:15 California [3] - 16:20, 224:10, 224:14 Campbell [2] - 5:9, 5:9 candidate [3] - 114:14, 199:24,</p>
			<p>C</p>	
			<p>calculate [16] - 18:5, 73:25, 93:10, 111:6, 113:5, 121:9, 121:15, 129:9, 132:7, 140:9, 162:8, 181:6, 206:16,</p>	

<p>249:25 CANE [2] - 1:15, 2:14 cannot [7] - 147:15, 168:19, 185:22, 185:23, 235:12, 235:15, 255:13 capable [1] - 172:5 capacity [3] - 1:14, 2:13, 160:23 caption [2] - 212:17, 213:10 Caption [1] - 1:17 capture [4] - 91:17, 230:3, 230:8, 230:11 captured [4] - 203:8, 220:11, 229:9, 230:18 captures [1] - 238:16 capturing [2] - 195:25, 200:15 careful [1] - 36:2 carefully [2] - 176:7, 257:16 Caribbean [2] - 21:20, 21:21 CARLENE [1] - 1:3 carried [2] - 72:16, 138:25 carrying [2] - 36:22, 99:21 carved [3] - 158:25, 159:15, 234:24 case [44] - 15:17, 22:13, 23:7, 26:6, 48:3, 52:20, 77:25, 78:22, 79:2, 80:10, 90:9, 98:18, 103:19, 109:24, 119:22, 145:20, 145:21, 145:25, 146:2, 154:23, 155:20, 157:1, 157:22, 160:15, 160:24, 161:25, 163:23, 164:10, 164:15, 164:20, 181:18, 212:2, 212:13, 212:15, 213:4, 213:7, 213:13, 214:2, 214:7, 214:8, 224:23, 251:17, 251:19, 253:22 Case [1] - 2:11 cases [4] - 29:22, 38:6, 207:18, 209:5 categories [2] - 109:12, 147:18 category [3] - 21:17, 21:18, 178:8 CC'd [1] - 164:1 ceased [1] - 218:16</p>	<p>CECELIA [1] - 1:7 cell [2] - 121:21, 122:12 cells [9] - 85:17, 87:13, 99:2, 118:22, 139:21, 142:24, 241:18, 243:23, 244:4 census [151] - 12:8, 12:17, 12:20, 14:15, 16:15, 18:24, 19:9, 21:12, 23:13, 23:20, 24:22, 24:25, 25:3, 25:9, 25:12, 25:14, 25:15, 25:16, 26:14, 26:21, 26:23, 26:25, 27:4, 28:5, 28:6, 28:9, 29:20, 29:21, 32:5, 33:6, 35:6, 36:10, 36:17, 36:18, 38:18, 39:4, 39:5, 39:12, 39:16, 39:24, 40:20, 40:23, 41:1, 41:3, 41:14, 41:19, 41:24, 42:6, 42:7, 42:14, 42:15, 42:19, 43:4, 43:16, 45:22, 46:3, 46:4, 47:7, 47:14, 47:21, 48:6, 48:10, 50:17, 50:23, 51:6, 51:7, 52:12, 56:1, 57:12, 59:16, 59:17, 60:20, 62:5, 62:7, 66:15, 66:23, 68:13, 74:4, 74:12, 91:2, 91:6, 92:5, 105:19, 107:18, 111:16, 111:22, 115:7, 116:4, 116:17, 116:18, 126:6, 127:2, 127:11, 127:14, 131:12, 132:13, 133:2, 140:13, 140:18, 147:14, 147:15, 147:17, 150:20, 161:3, 178:17, 179:2, 179:11, 179:15, 182:12, 182:14, 182:17, 182:18, 182:24, 182:25, 183:1, 183:5, 183:25, 187:16, 189:13, 191:13, 197:19, 201:13, 204:17, 205:21, 207:10, 209:21, 209:22, 209:25, 210:3, 219:24, 225:23, 243:2, 250:15, 251:6, 251:7, 251:9, 251:13, 251:14, 253:10, 254:3, 254:14, 255:2,</p>	<p>255:5, 255:10, 256:1 Census [109] - 11:5, 12:19, 15:10, 16:5, 16:7, 16:11, 18:17, 18:21, 23:10, 24:2, 24:19, 27:17, 29:12, 30:8, 31:17, 32:12, 32:18, 34:10, 34:11, 34:17, 34:21, 35:10, 36:14, 36:21, 37:10, 37:16, 37:23, 38:7, 38:9, 39:2, 39:3, 39:5, 39:7, 39:13, 39:14, 39:21, 40:4, 40:18, 40:25, 41:13, 42:3, 43:3, 43:19, 44:14, 44:22, 45:17, 45:25, 49:8, 50:5, 50:8, 50:9, 50:25, 52:25, 55:24, 62:3, 69:14, 74:13, 75:24, 76:3, 77:14, 77:20, 78:7, 78:13, 95:11, 95:13, 95:18, 106:20, 119:1, 119:5, 119:15, 120:22, 133:23, 147:24, 148:4, 150:21, 150:22, 161:5, 162:1, 168:19, 169:7, 171:9, 172:2, 172:4, 172:10, 173:23, 175:2, 175:17, 176:7, 176:11, 176:18, 180:15, 180:16, 180:22, 182:19, 185:3, 186:16, 188:13, 189:2, 189:15, 191:15, 191:23, 192:9, 192:14, 193:18, 194:15, 199:5, 225:16, 255:6, 255:13 censuses [1] - 40:12 Center [5] - 95:17, 95:19, 102:12, 103:11, 236:25 center [10] - 43:8, 52:24, 60:8, 62:18, 87:6, 92:11, 125:25, 130:19, 244:1 certain [10] - 13:18, 78:16, 83:9, 108:5, 168:23, 199:11, 219:19, 234:19, 247:21 certainly [5] - 13:3, 15:5, 17:24, 198:24, 229:22 certainty [7] - 103:8, 170:7, 205:13,</p>	<p>205:25, 213:21, 249:6, 253:14 certify [2] - 257:5, 257:20 cetera [1] - 162:10 challenging [2] - 212:25, 213:18 change [18] - 39:10, 44:25, 58:3, 62:15, 86:20, 86:24, 88:15, 91:21, 91:22, 93:19, 101:7, 131:1, 163:12, 166:2, 234:21, 235:7, 238:14, 243:9 changed [5] - 39:15, 44:11, 45:8, 52:8, 86:15 changes [4] - 36:16, 58:15, 86:21, 90:17 chapter [3] - 223:22, 223:24, 225:5 characteristic [1] - 194:9 characteristics [4] - 188:12, 188:15, 189:22, 190:5 characterize [1] - 209:7 characterizing [1] - 249:2 chart [2] - 171:2, 176:16 check [26] - 13:2, 13:12, 14:24, 15:5, 17:18, 21:11, 26:5, 29:3, 29:16, 42:10, 42:13, 43:15, 45:9, 47:23, 48:8, 58:12, 95:6, 95:8, 110:4, 125:19, 129:22, 173:4, 178:19, 178:24, 179:1, 213:25 checked [8] - 86:10, 86:18, 130:5, 178:16, 179:10, 179:14, 179:19, 180:3 checking [2] - 26:22, 48:5 checkmark [3] - 26:25, 27:2, 86:12 checkmarks [4] - 28:23, 35:5, 60:15, 87:1 checks [2] - 58:17, 185:14 Chicago [1] - 222:13 choice [2] - 200:7, 249:25 chose [1] - 111:15 CINDY [1] - 1:3</p>	<p>circled [23] - 78:16, 78:17, 78:21, 78:22, 79:1, 79:4, 79:25, 80:13, 80:16, 80:20, 80:21, 80:25, 81:10, 81:12, 81:20, 82:1, 126:8, 126:11, 126:16, 126:24, 133:4, 136:16, 136:18 circumstance [1] - 250:22 circumstances [2] - 209:11, 256:2 citation [2] - 36:13, 124:24 cite [3] - 193:12, 193:19, 206:11 cited [7] - 8:22, 92:6, 95:17, 160:17, 177:8, 188:2, 189:4 citizen [60] - 11:3, 18:9, 18:11, 30:24, 49:2, 58:25, 59:1, 59:4, 59:22, 60:13, 60:16, 60:24, 62:4, 62:18, 62:20, 65:15, 74:1, 94:6, 94:12, 97:20, 110:21, 111:11, 113:13, 115:18, 116:6, 117:9, 118:20, 120:8, 124:11, 126:13, 127:18, 127:21, 127:22, 128:9, 128:18, 130:1, 131:6, 136:15, 137:4, 137:12, 137:13, 140:7, 140:17, 141:10, 144:16, 144:21, 144:24, 157:14, 204:19, 206:7, 207:4, 207:7, 215:24, 216:23, 216:25, 240:19, 241:14, 242:24, 244:9, 254:15 Citizen [7] - 46:22, 125:23, 126:8, 128:10, 139:22, 140:14, 141:19 citizens [23] - 12:14, 12:15, 106:8, 106:9, 126:17, 206:23, 206:24, 207:1, 207:2, 209:20, 210:6, 210:7, 210:8, 215:1, 216:2, 216:4, 237:14, 237:16, 237:24, 238:2, 238:5, 238:8, 249:3</p>
--	--	---	---	---

<p>Citizenship [3] - 125:17, 136:12, 210:24</p> <p>citizenship [10] - 125:21, 147:1, 210:21, 220:1, 220:16, 237:21, 251:9, 251:11, 253:23, 254:20</p> <p>Citizenship-Adjusted [1] - 210:24</p> <p>City [3] - 4:12, 75:20, 257:9</p> <p>city [3] - 40:21, 41:7, 181:8</p> <p>claim [1] - 211:20</p> <p>CLARENCE [1] - 1:5</p> <p>clarification [2] - 15:19, 144:15</p> <p>clarify [1] - 66:6</p> <p>Clark [1] - 163:9</p> <p>class [1] - 178:4</p> <p>classes [2] - 178:3, 178:7</p> <p>classified [6] - 33:8, 165:20, 185:24, 202:5, 203:15</p> <p>classify [1] - 195:8</p> <p>clause [3] - 238:3, 238:4, 238:6</p> <p>cleaner [1] - 161:3</p> <p>clear [6] - 10:16, 23:22, 40:19, 157:5, 158:1, 218:3</p> <p>cleared [1] - 85:23</p> <p>clearer [1] - 29:8</p> <p>Clearly [1] - 217:6</p> <p>clearly [1] - 225:1</p> <p>CLEEREMAN [1] - 1:4</p> <p>click [1] - 119:7</p> <p>client [1] - 213:24</p> <p>clip [1] - 136:5</p> <p>clipped [14] - 22:24, 23:8, 35:3, 75:17, 77:13, 85:11, 118:25, 125:5, 125:24, 134:10, 146:10, 146:12, 146:13, 146:14</p> <p>close [13] - 37:7, 47:25, 50:5, 50:16, 51:24, 52:1, 52:2, 57:12, 57:24, 61:11, 61:12, 136:23</p> <p>closely [2] - 50:20, 61:1</p> <p>closer [1] - 49:25</p> <p>clue [1] - 108:7</p> <p>CLVS [1] - 5:9</p>	<p>co [4] - 161:7, 163:5, 163:8, 189:9</p> <p>co-author [1] - 189:9</p> <p>co-authors [3] - 161:7, 163:5, 163:8</p> <p>COCHRAN [1] - 1:4</p> <p>Code [2] - 16:25, 17:3</p> <p>code [2] - 17:2, 17:9</p> <p>codified [1] - 158:12</p> <p>coextensive [1] - 25:1</p> <p>cognizant [1] - 129:14</p> <p>coincide [1] - 220:19</p> <p>Colby [1] - 193:16</p> <p>collaborative [1] - 191:19</p> <p>collaborator [1] - 192:11</p> <p>colleagues [2] - 208:11, 208:17</p> <p>collected [2] - 9:11, 66:10</p> <p>collection [1] - 225:14</p> <p>college [5] - 98:9, 98:16, 98:17, 98:18, 98:19</p> <p>color [2] - 219:4, 219:5</p> <p>column [33] - 50:13, 60:9, 63:3, 63:4, 85:20, 88:8, 89:24, 92:20, 92:23, 93:1, 99:9, 99:14, 101:2, 110:23, 112:3, 112:11, 112:12, 112:21, 121:21, 131:4, 132:3, 132:8, 133:6, 133:10, 139:23, 141:18, 141:22, 142:15, 149:4, 149:6, 151:7, 244:15</p> <p>columns [12] - 54:4, 54:5, 63:10, 84:22, 87:6, 87:14, 87:16, 92:12, 92:13, 112:7, 138:6, 142:1</p> <p>combination [8] - 126:19, 150:9, 183:14, 220:21, 228:14, 238:24, 245:13, 247:14</p> <p>combine [4] - 126:9, 245:21, 246:10, 247:13</p> <p>Combined [1] - 75:19</p>	<p>combined [1] - 247:17</p> <p>combines [2] - 97:12, 126:23</p> <p>combining [1] - 51:6</p> <p>coming [7] - 47:23, 49:23, 53:2, 55:24, 55:25, 124:14, 232:3</p> <p>commencing [1] - 4:14</p> <p>comment [3] - 145:8, 145:10, 145:12</p> <p>comments [1] - 121:14</p> <p>commission [1] - 258:7</p> <p>commissioned [1] - 257:4</p> <p>committed [1] - 166:11</p> <p>Committee [1] - 212:10</p> <p>committing [1] - 200:1</p> <p>commonly [2] - 160:16, 194:24</p> <p>communicate [1] - 165:16</p> <p>communication [1] - 159:7</p> <p>communications [3] - 156:25, 158:23, 159:1</p> <p>communities [2] - 221:21, 222:22</p> <p>Community [17] - 14:16, 59:3, 60:10, 62:24, 70:6, 70:7, 70:8, 72:8, 124:15, 124:17, 127:3, 127:5, 127:12, 135:24, 157:16, 161:6, 215:4</p> <p>community [6] - 219:13, 221:5, 221:10, 221:12, 221:15, 251:1</p> <p>Company [1] - 5:9</p> <p>compare [8] - 20:20, 40:11, 85:14, 93:6, 169:7, 207:7, 215:23, 233:5</p> <p>compared [6] - 20:3, 20:8, 22:2, 183:10, 218:14, 236:5</p> <p>comparing [10] - 22:6, 50:22, 51:9, 51:10, 51:11, 57:3, 154:1, 216:10, 237:22, 237:23</p> <p>comparison [9] - 20:6, 58:4, 93:7, 106:7, 146:24, 146:25, 217:13, 237:25, 238:6</p>	<p>comparisons [1] - 238:3</p> <p>compilation [1] - 109:9</p> <p>compile [2] - 26:24, 204:16</p> <p>compiled [3] - 55:17, 55:18, 55:20</p> <p>complaint [2] - 157:20, 157:22</p> <p>complete [1] - 98:19</p> <p>completely [1] - 158:9</p> <p>completion [1] - 79:9</p> <p>component [4] - 93:17, 127:18, 151:5, 181:15</p> <p>components [1] - 160:6</p> <p>composed [2] - 33:19, 185:7</p> <p>Composition [2] - 63:8, 72:13</p> <p>composition [2] - 14:18, 243:5</p> <p>comprise [3] - 204:17, 206:1, 255:6</p> <p>comprised [3] - 27:5, 105:20, 205:14</p> <p>comprises [1] - 174:20</p> <p>computation [1] - 205:24</p> <p>computations [1] - 30:22</p> <p>compute [5] - 119:19, 140:21, 177:11, 216:9, 233:4</p> <p>computed [2] - 215:15, 215:16</p> <p>computer [2] - 63:20, 257:17</p> <p>computer-aided [1] - 257:17</p> <p>computes [1] - 242:4</p> <p>Computing [1] - 210:24</p> <p>computing [1] - 107:17</p> <p>concentration [6] - 24:12, 149:23, 153:16, 222:5, 222:16, 223:11</p> <p>concentrations [1] - 220:8</p> <p>concept [2] - 179:5, 182:10</p>	<p>concern [1] - 169:17</p> <p>concerned [3] - 58:8, 66:18, 175:12</p> <p>concerning [1] - 257:14</p> <p>conclude [3] - 22:7, 205:13, 206:20</p> <p>concluding [1] - 205:4</p> <p>conclusion [11] - 21:2, 146:21, 146:22, 153:25, 154:24, 195:15, 196:21, 200:13, 206:3, 210:11, 251:5</p> <p>conclusions [5] - 131:2, 175:4, 177:12, 196:7, 239:9</p> <p>condition [1] - 182:3</p> <p>conduct [2] - 107:2, 229:14</p> <p>conducted [1] - 108:4</p> <p>confidence [2] - 112:16, 172:1</p> <p>confident [2] - 103:9, 170:2</p> <p>confidentiality [1] - 255:23</p> <p>configuration [1] - 207:9</p> <p>confirm [2] - 101:9, 188:18</p> <p>confirmed [1] - 97:18</p> <p>confirms [1] - 94:22</p> <p>confused [1] - 70:20</p> <p>confusing [2] - 116:8, 116:9</p> <p>confusion [1] - 152:1</p> <p>congregated [1] - 222:10</p> <p>conjunction [2] - 115:6, 224:22</p> <p>connecting [1] - 188:25</p> <p>connection [2] - 89:4, 160:24</p> <p>consequence [1] - 169:2</p> <p>consequential [5] - 169:12, 169:14, 169:16, 169:25, 170:13</p> <p>consider [2] - 29:8, 105:3</p> <p>considerable [3] - 102:15, 102:19, 205:20</p>
--	---	--	---	--

<p>considered [3] - 160:14, 190:9, 225:12</p> <p>consists [1] - 176:23</p> <p>consolidating [1] - 39:18</p> <p>constitute [5] - 149:15, 149:16, 149:17, 244:23, 245:3</p> <p>constituted [1] - 115:17</p> <p>constitutes [1] - 176:11</p> <p>construct [1] - 168:20</p> <p>constructed [1] - 195:17</p> <p>constructing [1] - 191:12</p> <p>consulting [1] - 158:15</p> <p>contact [3] - 163:25, 164:4, 164:25</p> <p>contacted [2] - 157:3, 157:19</p> <p>contain [1] - 221:1</p> <p>contained [15] - 9:14, 9:15, 10:11, 12:25, 13:5, 17:14, 28:19, 38:11, 66:1, 67:25, 68:21, 69:23, 70:11, 77:5, 82:23</p> <p>contains [1] - 241:13</p> <p>context [6] - 55:8, 145:20, 190:13, 209:8, 209:10, 209:16</p> <p>continue [3] - 69:3, 192:14, 240:21</p> <p>continued [1] - 192:12</p> <p>Continued [2] - 1:17, 5:1</p> <p>continuing [1] - 235:13</p> <p>control [2] - 29:16, 212:20</p> <p>Control [1] - 102:12</p> <p>controlled [1] - 212:25</p> <p>controversy [1] - 257:15</p> <p>converge [1] - 50:7</p> <p>conversation [3] - 145:22, 145:23, 145:24</p> <p>conversations [4] - 158:7, 189:8, 189:11, 192:18</p> <p>converse [1] - 179:7</p> <p>conveying [1] - 187:1</p>	<p>convinces [1] - 195:16</p> <p>copied [1] - 218:25</p> <p>copies [10] - 3:22, 6:4, 8:12, 8:21, 8:24, 9:19, 9:22, 10:22, 54:8, 160:18</p> <p>copy [26] - 6:3, 7:6, 7:20, 9:5, 10:8, 16:10, 17:21, 22:21, 22:25, 38:12, 38:21, 60:2, 64:24, 73:14, 83:1, 118:12, 121:12, 193:1, 218:24, 219:1, 219:4, 219:5, 226:15, 247:21, 248:1, 249:10</p> <p>copying [1] - 226:14</p> <p>corner [15] - 10:10, 11:4, 18:14, 26:15, 28:3, 43:9, 48:7, 49:13, 53:10, 65:6, 86:15, 110:18, 115:11, 125:15, 134:15</p> <p>correct [373] - 5:25, 6:1, 8:3, 9:3, 10:18, 10:21, 11:24, 12:4, 12:5, 12:18, 12:19, 12:22, 16:15, 16:16, 16:22, 17:12, 18:12, 18:19, 19:9, 19:10, 20:18, 20:19, 21:3, 21:4, 21:6, 21:25, 22:1, 22:5, 22:9, 23:24, 23:25, 24:3, 24:4, 24:17, 24:18, 24:21, 24:23, 24:24, 25:7, 25:8, 27:13, 27:15, 28:12, 28:20, 28:25, 29:1, 30:13, 30:16, 30:17, 31:21, 31:22, 31:24, 31:25, 33:11, 33:17, 33:18, 33:20, 33:23, 34:6, 34:23, 35:12, 35:16, 35:17, 37:10, 37:20, 40:15, 40:19, 42:11, 43:5, 43:18, 44:3, 44:7, 44:10, 45:20, 45:21, 45:24, 46:1, 46:5, 46:6, 46:15, 46:16, 47:17, 48:3, 49:14, 51:18, 54:12, 57:2, 57:6, 57:7, 59:6, 59:7, 59:18, 59:19, 59:23, 59:24, 61:18, 61:19, 62:10, 65:23, 65:24, 66:6, 66:11, 66:16, 66:17, 67:22, 68:4, 68:5, 68:8,</p>	<p>68:17, 68:20, 69:2, 69:13, 70:2, 71:20, 72:24, 73:4, 73:6, 74:3, 74:23, 75:21, 76:21, 76:22, 77:10, 79:6, 81:7, 81:10, 81:11, 83:6, 83:7, 84:3, 84:4, 84:7, 84:8, 84:11, 84:12, 88:1, 89:9, 90:8, 90:22, 90:23, 91:8, 91:9, 95:12, 95:23, 95:24, 96:1, 96:2, 96:5, 96:7, 96:8, 96:10, 96:11, 96:13, 96:20, 97:11, 97:25, 98:23, 98:24, 99:6, 100:24, 101:3, 106:13, 106:14, 106:16, 106:17, 108:12, 109:5, 111:14, 112:5, 113:9, 113:10, 114:4, 114:21, 114:22, 116:19, 116:22, 116:25, 117:1, 117:4, 117:6, 117:7, 119:3, 120:23, 121:3, 121:6, 121:7, 122:2, 122:8, 122:16, 122:20, 122:21, 123:24, 123:25, 124:3, 124:6, 124:10, 125:18, 125:19, 127:1, 128:6, 128:7, 128:12, 128:13, 128:16, 128:22, 128:23, 129:6, 129:17, 130:7, 131:7, 131:8, 135:16, 137:6, 137:19, 137:20, 137:22, 138:14, 138:23, 138:24, 139:2, 139:9, 139:10, 142:21, 143:6, 143:7, 143:11, 143:12, 143:16, 143:17, 143:19, 143:22, 143:23, 144:1, 144:6, 144:10, 144:11, 144:13, 145:5, 147:10, 147:11, 147:13, 148:10, 148:21, 150:15, 150:16, 150:19, 151:10, 151:11, 152:25, 155:16, 155:17, 156:21, 160:11, 160:22, 163:17, 166:21, 167:13, 167:15, 167:16, 167:18, 168:3, 168:4,</p>	<p>168:7, 168:18, 170:25, 174:5, 185:4, 185:5, 185:9, 185:10, 185:17, 187:15, 190:10, 191:10, 191:13, 191:14, 192:4, 192:7, 193:10, 193:11, 193:13, 193:16, 193:20, 194:19, 195:4, 200:18, 201:19, 204:24, 204:25, 206:8, 207:19, 212:8, 212:9, 213:2, 213:5, 214:16, 214:21, 216:19, 217:23, 219:3, 219:19, 220:12, 220:15, 221:2, 221:17, 221:23, 221:24, 222:23, 223:3, 223:4, 223:7, 223:12, 223:15, 223:19, 223:22, 225:19, 226:8, 226:22, 227:19, 227:23, 228:3, 228:18, 228:22, 228:23, 229:1, 229:2, 229:7, 229:8, 229:11, 230:1, 230:2, 230:10, 230:15, 230:22, 231:5, 231:6, 231:9, 231:10, 231:25, 232:1, 232:6, 232:7, 232:13, 232:14, 232:17, 233:9, 233:10, 233:15, 234:7, 237:8, 237:11, 239:17, 239:20, 240:11, 240:12, 240:14, 240:22, 240:23, 242:18, 242:19, 242:23, 243:15, 244:24, 249:11, 249:14, 249:15, 249:17, 249:18, 250:15, 251:20, 251:21, 255:17</p> <p>corrected [1] - 86:17</p> <p>correcting [1] - 50:3</p> <p>correction [1] - 130:10</p> <p>corrections [5] - 53:6, 86:14, 86:18, 130:24, 131:1</p> <p>correctly [4] - 152:24, 169:6, 177:2, 241:7</p>	<p>correlate [1] - 28:12</p> <p>correspond [3] - 116:2, 125:22, 147:23</p> <p>corresponding [8] - 93:6, 93:7, 110:24, 113:16, 115:19, 135:25, 148:16, 216:1</p> <p>corresponds [6] - 40:21, 68:16, 126:2, 181:3, 215:14, 241:5</p> <p>costs [1] - 16:4</p> <p>counsel [8] - 3:23, 6:5, 8:14, 84:5, 158:7, 159:8, 257:21, 257:24</p> <p>Counsel [2] - 2:1, 2:16</p> <p>count [10] - 51:14, 55:11, 125:3, 127:2, 133:21, 133:22, 134:7, 201:10, 201:12, 229:6</p> <p>counted [3] - 34:21, 48:10, 220:5</p> <p>counties [2] - 225:14, 228:11</p> <p>counting [1] - 220:6</p> <p>countries [1] - 229:21</p> <p>country [4] - 98:20, 226:12, 229:7, 234:5</p> <p>counts [1] - 219:25</p> <p>COUNTY [1] - 257:2</p> <p>County [95] - 4:12, 12:13, 13:11, 17:2, 17:3, 18:7, 19:1, 19:3, 21:5, 21:8, 22:19, 24:1, 63:4, 66:20, 74:2, 88:9, 88:12, 90:22, 92:13, 95:25, 96:5, 96:15, 97:3, 102:7, 103:6, 111:22, 114:24, 115:12, 115:14, 115:25, 117:10, 119:22, 121:13, 122:1, 122:15, 125:24, 128:19, 131:5, 132:3, 133:17, 135:7, 136:2, 138:6, 138:19, 138:22, 139:12, 139:14, 141:19, 141:22, 146:8, 147:10, 151:13, 151:20, 152:2, 152:4, 152:5, 181:20, 181:24, 205:8, 215:11, 215:14, 217:7, 217:12, 218:17, 219:12, 223:12, 223:24,</p>
--	--	---	--	---

<p>224:18, 224:19, 226:4, 227:19, 228:9, 228:18, 228:25, 229:17, 229:22, 229:25, 230:9, 230:12, 230:17, 231:5, 231:12, 231:14, 231:15, 231:19, 232:3, 232:5, 232:9, 232:11, 232:13, 232:17, 233:14, 236:17, 236:18, 257:10 county [17] - 15:13, 15:14, 21:15, 24:15, 107:20, 217:14, 217:16, 222:8, 222:9, 223:15, 223:18, 225:14, 228:11, 228:15, 228:16, 228:25, 231:23 County's [2] - 230:21, 232:24 countywide [1] - 206:13 couple [2] - 32:7, 101:18 course [2] - 99:17, 136:22 court [4] - 6:2, 67:20, 75:1, 83:2 Court [5] - 1:21, 4:6, 4:8, 208:4, 257:3 COURT [1] - 1:1 cover [1] - 158:20 covered [1] - 242:10 covers [1] - 95:15 create [2] - 121:5, 185:22 created [8] - 95:21, 115:6, 185:3, 187:22, 188:14, 188:21, 189:10, 189:15 creates [1] - 185:21 creating [3] - 115:4, 115:7, 194:8 crisscrossing [1] - 75:1 criteria [2] - 253:3, 255:23 criterion [1] - 190:3 critical [1] - 170:4 criticism [1] - 197:13 criticisms [1] - 200:22 criticize [1] - 166:20 criticized [1] - 170:17 critique [1] - 147:3 cross [1] - 72:21</p>	<p>crossed [2] - 57:22, 60:19 crude [1] - 146:22 CTs [1] - 65:7 current [11] - 103:14, 111:25, 129:7, 147:24, 150:17, 150:22, 151:3, 151:6, 225:18, 235:3, 235:24 cursor [1] - 75:12 cut [5] - 48:16, 60:2, 60:6, 68:15, 133:3 CV [1] - 207:17 CVAP [31] - 10:25, 11:11, 11:18, 11:22, 18:10, 46:23, 49:17, 62:21, 124:11, 125:23, 135:18, 135:21, 137:22, 139:3, 139:7, 139:8, 139:11, 144:12, 205:6, 205:7, 241:16, 241:17, 241:18, 244:23, 245:3, 247:4, 249:13, 249:16, 249:24 CZN [1] - 71:9</p> <p style="text-align: center;">D</p> <p>D8 [9] - 25:24, 26:7, 26:17, 27:1, 27:8, 27:14, 28:16, 28:25, 35:5 D9 [8] - 25:24, 26:7, 27:3, 27:8, 27:11, 28:16, 28:25, 35:5 DANE [1] - 257:2 DANIEL [1] - 5:5 dark [1] - 24:25 darker [5] - 27:2, 35:15, 35:21, 35:24, 37:15 Data [10] - 15:8, 15:15, 15:25, 54:7, 54:16, 69:14, 69:24, 74:13, 75:4, 210:23 data [265] - 11:3, 11:6, 12:8, 12:17, 12:20, 14:3, 14:11, 14:13, 14:14, 15:10, 15:12, 17:11, 17:14, 18:2, 18:22, 19:9, 21:5, 21:7, 22:11, 22:13, 25:17, 26:24, 28:17, 28:18, 31:2, 39:25, 40:17, 41:12, 42:8, 45:12, 50:6, 50:7, 53:17, 53:18,</p>	<p>54:2, 54:5, 55:2, 55:4, 55:6, 55:7, 55:8, 55:13, 55:17, 55:22, 55:23, 56:1, 56:6, 59:5, 59:10, 59:16, 59:18, 60:10, 60:15, 61:7, 61:8, 61:21, 61:24, 62:13, 62:19, 62:21, 62:22, 63:2, 63:3, 63:4, 63:9, 63:11, 63:12, 64:21, 65:4, 65:15, 66:5, 66:9, 66:10, 66:12, 66:14, 68:19, 72:2, 72:5, 72:6, 72:8, 72:9, 73:25, 74:6, 75:24, 76:3, 76:6, 76:9, 76:12, 76:25, 77:1, 77:2, 81:22, 86:10, 86:11, 87:5, 87:9, 87:11, 89:14, 89:19, 91:7, 91:10, 91:11, 91:14, 92:1, 95:10, 95:11, 100:22, 102:3, 102:5, 102:6, 102:20, 102:25, 103:2, 105:10, 105:11, 105:15, 106:12, 107:13, 107:21, 108:19, 109:4, 109:9, 109:16, 109:22, 109:25, 110:2, 110:6, 110:11, 111:16, 111:20, 111:25, 115:22, 115:23, 116:1, 116:2, 116:12, 116:16, 116:17, 116:20, 116:21, 116:25, 117:12, 117:17, 118:3, 118:22, 119:19, 119:23, 120:1, 120:4, 129:4, 129:5, 129:6, 129:20, 129:23, 129:24, 131:12, 136:7, 137:17, 138:4, 140:5, 140:23, 141:9, 141:21, 141:23, 141:24, 142:24, 144:13, 144:19, 147:14, 148:12, 150:20, 151:12, 151:17, 158:5, 161:6, 161:23, 162:3, 164:22, 165:19, 166:14, 166:16, 166:20, 168:17, 168:19, 168:20, 168:22, 168:25, 169:5, 169:8, 169:9, 169:17, 170:18,</p>	<p>170:20, 180:9, 180:10, 180:17, 180:19, 182:16, 182:17, 182:18, 199:25, 203:4, 204:16, 204:18, 205:21, 205:22, 207:10, 208:10, 208:14, 208:19, 209:14, 213:23, 215:12, 216:5, 216:14, 216:15, 216:16, 219:24, 220:7, 225:22, 226:2, 226:15, 226:17, 226:21, 226:23, 227:1, 227:9, 227:15, 227:18, 227:24, 228:4, 229:4, 229:19, 230:18, 231:2, 231:8, 231:20, 231:21, 236:16, 236:17, 236:18, 239:24, 240:1, 240:16, 243:25, 246:5, 248:24, 251:13, 252:15, 252:16, 253:23, 254:5, 254:8, 254:20, 254:23, 255:3, 255:6, 255:8, 255:14, 255:25, 256:1, 256:3, 256:4 database [3] - 17:5, 137:25, 171:16 databases [2] - 74:20, 74:21 date [4] - 56:10, 56:12, 56:21, 103:12 dated [2] - 10:16, 125:14 David [3] - 189:9, 192:12, 193:10 DAVID [2] - 1:15, 2:14 DAVIS [1] - 1:5 days [2] - 42:1, 76:15 De [1] - 4:25 DE [1] - 2:8 deadline [1] - 213:22 deal [1] - 41:24 dealing [4] - 79:24, 170:23, 170:24, 191:20 deals [2] - 39:4, 39:15 deaths [2] - 218:10, 218:12 decades [1] - 40:12 December [13] - 3:16, 10:16, 56:15,</p>	<p>77:10, 83:8, 84:3, 84:10, 87:23, 130:11, 155:15, 156:6, 160:2, 214:20 decide [1] - 35:18 decided [3] - 39:17, 81:1, 147:3 deciding [1] - 199:15 decimal [1] - 138:17 decisions [1] - 162:17 deck [1] - 141:12 declaration [1] - 145:4 declared [1] - 197:24 decreasing [1] - 227:16 deemed [1] - 186:5 deeply [1] - 170:11 defendants [1] - 84:5 Defendants [6] - 2:3, 2:6, 2:17, 4:5, 5:4, 5:7 defending [1] - 209:3 defensible [1] - 130:2 defined [3] - 107:11, 107:24, 225:13 defines [1] - 221:10 definition [4] - 113:1, 117:13, 161:8, 204:6 degree [14] - 103:3, 103:17, 151:14, 169:10, 170:6, 170:7, 172:7, 172:8, 172:20, 189:21, 205:12, 205:25, 249:5, 253:13 DEININGER [2] - 1:15, 2:14 delegate [1] - 162:5 demand [2] - 102:16, 102:20 Demo [1] - 71:18 DemoAcctgModel [4] - 13:25, 82:10, 84:17, 85:8 DemoAcctgModel- JuvenileAging [1] - 13:25 DemoAcctgModel- Mortality [3] - 82:10, 84:17, 85:8 democrat [2] - 212:25, 213:19 democrats [1] - 212:20 demographer [2] - 39:23, 109:2 demographers [4] - 36:6, 81:17, 251:2, 251:4</p>
---	---	--	---	---

<p>Demographic [1] - 70:12, 71:3, 71:6, 71:7, 71:10, 72:3, 72:18, 88:3, 97:17, 241:12, 243:22</p> <p>demographic [30] - 71:16, 88:20, 94:5, 94:12, 94:17, 97:6, 97:20, 105:4, 105:15, 144:5, 157:7, 176:21, 177:15, 177:24, 213:23, 221:19, 223:1, 224:20, 235:23, 238:13, 238:15, 239:3, 239:6, 240:13, 241:1, 241:5, 248:17, 250:20, 250:21, 251:1</p> <p>Demographics [5] - 54:19, 70:15, 71:2, 73:2, 75:8</p> <p>demographics [3] - 142:12, 143:2, 242:21</p> <p>Demographics.xls [3] - 69:25, 104:14, 142:18</p> <p>demonstrably [1] - 204:15</p> <p>denominator [5] - 51:12, 51:19, 60:12, 68:12, 134:22</p> <p>densely [1] - 37:14</p> <p>deny [2] - 211:23, 211:25</p> <p>DEPARTMENT [1] - 5:3</p> <p>Department [6] - 12:9, 15:11, 15:20, 15:21, 15:24, 16:1</p> <p>dependent [1] - 165:18</p> <p>depicted [1] - 220:18</p> <p>depo [1] - 86:5</p> <p>deposing [1] - 158:3</p> <p>deposition [9] - 3:12, 3:24, 7:19, 13:4, 13:15, 232:15, 234:10, 257:18, 257:23</p> <p>DEPOSITION [2] - 1:18, 4:1</p> <p>Deposition [1] - 6:2</p> <p>derive [10] - 14:13, 54:5, 87:7, 87:10, 88:6, 122:4, 135:17, 216:19, 217:2, 244:14</p> <p>derived [10] - 62:22, 64:12, 65:25, 68:19, 108:16, 108:17, 137:4, 148:25, 162:7,</p>	<p>237:19</p> <p>derives [3] - 39:14, 240:25, 243:13</p> <p>deriving [1] - 135:18</p> <p>describe [3] - 25:25, 33:4, 133:15</p> <p>described [7] - 48:5, 161:13, 199:4, 202:21, 203:15, 224:3, 233:19</p> <p>describes [4] - 187:17, 190:19, 194:7, 227:4</p> <p>Description [1] - 3:10</p> <p>description [1] - 119:12</p> <p>desegregation [2] - 224:23, 225:3</p> <p>designated [1] - 192:14</p> <p>detail [6] - 103:3, 151:14, 165:22, 188:4, 202:17, 223:5</p> <p>detailed [2] - 78:13, 165:23</p> <p>detect [4] - 167:5, 176:8, 225:25, 227:17</p> <p>detected [2] - 86:18, 200:21</p> <p>detecting [4] - 172:5, 172:11, 173:24, 190:6</p> <p>detection [3] - 187:19, 188:11, 189:21</p> <p>determination [3] - 41:21, 43:23, 44:13</p> <p>determine [2] - 135:6, 251:9</p> <p>DEUREN [1] - 5:6</p> <p>Deuren [2] - 4:10, 257:8</p> <p>develop [1] - 30:5</p> <p>developed [3] - 29:23, 120:5, 203:18</p> <p>developing [1] - 65:14</p> <p>developments [1] - 207:6</p> <p>die [5] - 94:2, 97:16, 230:3, 236:21, 242:14</p> <p>died [4] - 218:8, 230:14, 230:15, 235:1</p> <p>Diez [2] - 145:3, 145:14</p> <p>difference [17] - 28:13, 28:14, 58:6, 100:2, 147:6, 154:1, 154:10, 154:11, 154:14, 170:3,</p>	<p>175:18, 183:22, 197:14, 197:19, 218:1, 226:10, 246:3</p> <p>differences [4] - 91:16, 100:9, 155:12, 235:7</p> <p>different [34] - 14:12, 22:17, 23:3, 27:23, 29:6, 29:7, 39:17, 47:15, 47:21, 56:16, 56:25, 91:21, 91:22, 95:15, 97:7, 109:12, 133:12, 139:3, 140:23, 141:24, 153:9, 154:15, 158:14, 182:8, 183:9, 183:22, 194:16, 204:5, 204:10, 228:25, 229:6, 235:21, 235:22</p> <p>differential [14] - 82:16, 93:18, 94:23, 96:24, 100:3, 100:5, 100:18, 101:11, 150:1, 154:4, 154:5, 154:18, 154:25, 217:24</p> <p>differently [1] - 182:9</p> <p>differs [1] - 184:11</p> <p>difficult [4] - 205:23, 219:2, 219:16, 220:17</p> <p>dig [1] - 190:17</p> <p>digits [3] - 27:24, 27:25, 28:8</p> <p>diminishing [1] - 183:8</p> <p>direct [3] - 164:4, 194:7, 195:7</p> <p>direction [3] - 52:18, 162:15, 192:11</p> <p>directly [11] - 26:19, 62:24, 63:14, 76:8, 99:22, 140:21, 150:4, 165:1, 165:14, 201:9, 216:13</p> <p>Director [2] - 2:1, 2:15</p> <p>disagree [3] - 158:10, 196:6, 196:20</p> <p>disappear [1] - 235:10</p> <p>discard [1] - 195:6</p> <p>discern [2] - 150:1, 186:12</p> <p>disclose [2] - 204:5, 255:13</p> <p>discombobulate [1] - 166:9</p> <p>discoverable [3] -</p>	<p>158:8, 158:10, 158:24</p> <p>discrepancy [1] - 56:23</p> <p>discussed [3] - 78:19, 162:19, 250:13</p> <p>discussing [5] - 32:19, 60:15, 68:22, 94:10, 110:17</p> <p>Discussion [1] - 184:16</p> <p>discussion [6] - 32:22, 64:12, 67:10, 210:12, 226:25, 251:5</p> <p>discussions [1] - 64:9</p> <p>Disease [1] - 102:12</p> <p>disparity [4] - 52:11, 137:9, 137:11, 150:6</p> <p>displaying [1] - 220:7</p> <p>displays [1] - 202:2</p> <p>dispose [1] - 194:25</p> <p>disproportionate [1] - 149:23</p> <p>disproportionately [3] - 94:3, 150:10, 150:11</p> <p>DIST'N [1] - 149:7</p> <p>distance [3] - 224:4, 225:4, 225:8</p> <p>distances [1] - 225:7</p> <p>distinction [3] - 28:4, 187:11, 200:11</p> <p>distinctions [3] - 20:3, 80:23, 105:6</p> <p>distinguish [2] - 27:10, 28:5</p> <p>distinguished [3] - 112:25, 144:21, 237:21</p> <p>distinguishes [4] - 13:11, 19:4, 19:5, 109:11</p> <p>distinguishing [3] - 12:14, 12:15, 35:21</p> <p>distributed [1] - 231:4</p> <p>distribution [5] - 108:21, 149:10, 151:16, 151:19, 195:9</p> <p>Distribution [1] - 151:22</p> <p>District [63] - 4:6, 4:7, 23:18, 23:19, 27:12, 27:14, 30:2, 30:3, 33:9, 33:10, 33:14, 33:15, 34:19, 34:22, 43:5, 43:13, 44:19, 44:20, 44:22, 45:2, 45:5, 46:5, 47:3,</p>	<p>50:14, 51:5, 54:4, 60:9, 61:2, 61:6, 63:7, 63:10, 63:11, 66:24, 66:25, 72:12, 105:4, 105:5, 142:1, 142:2, 142:5, 142:16, 142:20, 143:3, 143:6, 143:9, 143:11, 143:16, 143:20, 144:14, 204:17, 204:24, 205:2, 206:6, 207:8, 207:9, 240:18, 242:21, 244:17, 244:24, 247:1, 249:14, 249:17</p> <p>DISTRICT [2] - 1:1, 1:1</p> <p>district [19] - 14:17, 29:18, 29:22, 30:1, 30:2, 30:4, 58:2, 170:24, 182:11, 182:13, 204:19, 205:15, 205:16, 206:2, 206:14, 207:5, 209:11, 243:5</p> <p>Districing [1] - 10:9</p> <p>districing [1] - 209:4</p> <p>Districts [9] - 14:6, 97:3, 105:16, 139:19, 144:16, 220:19, 221:16, 222:21, 231:25</p> <p>districts [20] - 22:23, 23:7, 24:14, 25:18, 27:5, 27:10, 31:5, 31:10, 31:11, 32:5, 33:16, 33:22, 47:15, 55:9, 55:13, 56:3, 105:20, 157:9, 161:2, 220:22</p> <p>divide [2] - 90:5, 232:10</p> <p>divided [7] - 39:21, 60:1, 60:6, 108:13, 129:1, 134:22, 135:3</p> <p>dividing [3] - 122:16, 122:17, 227:12</p> <p>divine [1] - 199:23</p> <p>division [3] - 68:25, 129:1, 135:2</p> <p>Doctor [2] - 11:17, 15:20</p> <p>document [62] - 7:17, 9:5, 10:13, 11:1, 11:4, 11:9, 11:22, 15:6, 15:8, 16:21, 18:14, 22:21, 24:19, 27:23, 29:15, 38:20, 55:1, 62:23, 70:20,</p>
---	--	---	--	--

<p>73:9, 73:14, 75:22, 76:17, 77:8, 77:14, 77:18, 78:9, 83:1, 83:5, 83:12, 83:16, 85:24, 89:4, 89:8, 95:20, 101:11, 102:13, 104:11, 104:12, 104:16, 104:25, 106:2, 106:5, 109:23, 117:16, 118:14, 118:16, 118:17, 146:6, 146:15, 146:21, 155:13, 155:14, 192:23, 193:1, 193:3, 193:4, 193:9, 193:22, 199:4, 226:3, 227:24</p> <p>documentation [4] - 36:15, 104:23, 186:17, 187:16</p> <p>documented [3] - 56:2, 172:17, 188:12</p> <p>documenting [1] - 101:23</p> <p>Documents [1] - 3:12</p> <p>documents [39] - 6:10, 6:13, 6:22, 7:3, 8:5, 9:9, 17:22, 25:21, 38:12, 38:13, 41:16, 64:15, 64:17, 64:23, 68:3, 69:4, 75:18, 77:6, 77:13, 82:13, 82:20, 82:23, 85:6, 89:11, 118:24, 131:18, 138:1, 156:1, 214:23, 215:8, 216:8, 237:2, 237:7, 244:7, 247:22, 248:3, 249:10, 250:11, 250:13</p> <p>domain [1] - 9:2</p> <p>done [44] - 33:12, 36:3, 37:8, 37:11, 38:7, 43:22, 49:22, 62:14, 79:8, 113:25, 123:17, 131:10, 133:11, 147:9, 169:4, 188:17, 188:24, 189:7, 190:20, 191:18, 196:23, 199:5, 199:22, 202:12, 205:11, 207:12, 207:24, 208:2, 208:7, 208:9, 208:15, 208:20, 208:21, 208:23, 209:8, 209:9, 209:13, 211:14, 211:16, 235:23, 241:20,</p>	<p>245:10, 250:5, 251:23</p> <p>door [2] - 18:20, 119:5</p> <p>double [10] - 17:18, 26:22, 29:11, 86:10, 86:18, 95:6, 95:8, 110:4, 125:19, 129:22</p> <p>double-check [6] - 17:18, 95:6, 95:8, 110:4, 125:19, 129:22</p> <p>double-checked [2] - 86:10, 86:18</p> <p>double-checking [1] - 26:22</p> <p>Doug [3] - 6:9, 10:19, 157:25</p> <p>Douglas [1] - 3:25</p> <p>DOUGLAS [1] - 4:19</p> <p>down [42] - 14:10, 20:16, 20:21, 21:9, 21:12, 22:3, 22:16, 32:21, 41:20, 42:6, 44:1, 44:2, 45:4, 46:25, 58:7, 71:1, 79:22, 84:16, 88:10, 90:9, 90:14, 102:14, 114:1, 122:23, 132:2, 135:4, 140:14, 140:20, 143:8, 152:2, 183:3, 190:17, 194:12, 194:22, 195:22, 200:23, 212:8, 217:4, 251:8, 251:14, 251:15, 253:22</p> <p>download [1] - 55:1</p> <p>downloaded [2] - 26:2, 76:8</p> <p>DPW [1] - 2:12</p> <p>dr [2] - 32:9, 88:18</p> <p>Dr [45] - 3:13, 3:19, 3:21, 5:22, 5:24, 7:14, 45:16, 49:6, 54:13, 64:4, 67:19, 73:21, 75:4, 83:1, 154:21, 166:7, 166:11, 167:14, 169:2, 169:22, 170:7, 174:2, 174:18, 180:10, 184:20, 189:17, 191:25, 193:1, 197:10, 200:23, 201:2, 201:7, 201:16, 202:7, 204:6, 204:14, 206:4, 209:20, 212:6, 243:11, 250:9, 253:17, 253:21, 256:8</p> <p>draft [7] - 158:11, 158:22, 158:23, 158:24, 159:14,</p>	<p>234:22</p> <p>dramatic [2] - 154:17</p> <p>draw [2] - 46:9, 161:1</p> <p>drawing [2] - 175:4, 209:10</p> <p>drawn [3] - 102:9, 143:25, 182:11</p> <p>drew [1] - 13:18</p> <p>drive [44] - 3:15, 7:1, 7:11, 9:14, 9:15, 9:16, 9:20, 9:23, 12:25, 13:5, 13:13, 14:23, 15:2, 15:17, 16:9, 17:16, 17:17, 17:20, 17:25, 27:7, 28:19, 38:13, 38:21, 53:20, 54:1, 54:6, 54:9, 67:25, 68:6, 69:14, 70:22, 73:10, 73:13, 74:6, 75:6, 75:8, 104:16, 156:11, 156:14, 160:8, 160:9, 219:6</p> <p>drives [1] - 6:18</p> <p>driving [2] - 247:11, 247:12</p> <p>due [1] - 154:15</p> <p>DUFFY [1] - 2:5</p> <p>duly [3] - 5:17, 257:4, 257:12</p> <p>duplicate [3] - 7:2, 7:5, 118:12</p> <p>during [14] - 13:3, 13:12, 13:15, 14:24, 17:18, 69:6, 73:21, 106:22, 110:21, 111:2, 115:16, 116:14, 227:4, 227:5</p> <p>dying [4] - 104:3, 238:25, 240:10, 245:14</p>	<p>158:16, 159:2, 159:7, 173:8, 175:8, 175:24, 184:14</p> <p>Earle [4] - 3:5, 156:13, 166:6, 185:1</p> <p>early [5] - 26:9, 56:9, 56:15, 118:21, 156:5</p> <p>easier [1] - 53:23</p> <p>easily [1] - 149:3</p> <p>East [1] - 4:20</p> <p>EASTERN [1] - 1:1</p> <p>Eastern [1] - 4:7</p> <p>easy [2] - 159:21, 162:11</p> <p>eat [1] - 198:20</p> <p>ECKSTEIN [1] - 1:5</p> <p>ecological [4] - 166:12, 166:24, 202:8, 204:7</p> <p>education [3] - 251:24, 252:7, 252:25</p> <p>effect [10] - 33:20, 38:15, 95:3, 99:19, 100:18, 101:8, 101:25, 103:19, 104:6, 230:24</p> <p>effects [11] - 94:23, 96:24, 97:7, 97:12, 97:14, 100:1, 101:10, 238:16, 242:9, 245:5, 247:8</p> <p>effort [12] - 29:9, 41:23, 42:2, 47:22, 95:1, 101:6, 101:18, 102:24, 169:1, 194:25, 199:8, 205:20</p> <p>efforts [2] - 57:23, 188:7</p> <p>eight [2] - 16:12, 41:8</p> <p>either [39] - 14:22, 17:15, 17:20, 22:14, 29:6, 30:4, 31:10, 38:12, 56:20, 73:6, 89:3, 90:8, 98:13, 98:14, 98:22, 108:17, 116:17, 122:6, 144:2, 153:24, 158:17, 160:1, 160:14, 161:15, 165:1, 165:10, 165:13, 179:15, 187:12, 192:9, 200:4, 208:25, 209:3, 217:17, 224:17, 228:11, 231:11, 233:20, 236:9</p> <p>elaborate [1] - 227:13</p> <p>elderly [3] - 103:23, 238:23, 245:14</p>	<p>elect [1] - 249:24</p> <p>Election [4] - 15:7, 15:15, 15:25, 78:7</p> <p>election [8] - 76:2, 78:15, 81:20, 81:22, 147:4, 182:4, 245:20</p> <p>elections [1] - 78:1</p> <p>electorate [3] - 94:7, 94:14, 94:24</p> <p>electric [1] - 97:22</p> <p>electronic [6] - 9:13, 243:19, 246:5, 247:16, 247:22, 247:23</p> <p>eligible [5] - 94:5, 205:14, 221:21, 222:20, 236:21</p> <p>elsewhere [4] - 138:1, 222:8, 228:1, 229:15</p> <p>ELVIRA [1] - 1:4</p> <p>embedded [1] - 200:3</p> <p>empirical [1] - 170:6</p> <p>employed [5] - 161:16, 161:17, 202:9, 257:21, 257:25</p> <p>employee [6] - 161:5, 162:2, 180:16, 192:10, 193:18, 257:24</p> <p>empty [2] - 118:22, 244:1</p> <p>enables [1] - 40:11</p> <p>enacted [7] - 33:21, 33:25, 55:13, 56:4, 205:15, 206:1</p> <p>enclave [8] - 23:17, 161:9, 221:22, 222:4, 222:15, 227:21, 228:21, 231:24</p> <p>enclaves [2] - 222:12</p> <p>Enclaves [2] - 24:6, 24:11</p> <p>enclosed [1] - 87:8</p> <p>encompass [1] - 40:23</p> <p>encompassed [3] - 23:18, 24:14, 198:9</p> <p>encompasses [3] - 219:10, 236:20, 245:5</p> <p>encounter [1] - 254:13</p> <p>end [10] - 76:11, 93:9, 95:5, 126:16, 131:15, 140:19, 146:10, 180:20, 210:22, 233:11</p> <p>ended [1] - 15:1</p> <p>ending [1] - 140:25</p>
<p>Case 2:11-cv-00562-JPS-DPW-RMD Filed 02/13/12 Page 77 of 98 Document 149</p>				

<p>ends [1] - 195:8</p> <p>engage [1] - 233:18</p> <p>engaged [1] - 233:5</p> <p>engagement [2] - 155:18, 156:23</p> <p>English [1] - 114:6</p> <p>enlisted [1] - 234:22</p> <p>enormous [4] - 58:9, 218:9, 234:23, 254:7</p> <p>entailed [1] - 205:20</p> <p>entered [6] - 87:11, 87:12, 87:14, 148:24, 149:2, 149:3</p> <p>entire [7] - 13:4, 13:12, 17:4, 28:7, 91:20, 102:8, 111:6</p> <p>Entirely [5] - 29:12, 30:8, 32:13, 45:17, 49:8</p> <p>entirely [8] - 29:18, 30:12, 45:19, 47:7, 68:14, 221:3, 222:24, 249:21</p> <p>entitled [15] - 11:1, 18:23, 68:1, 69:14, 69:16, 69:23, 87:6, 87:8, 88:9, 125:22, 134:11, 210:8, 210:17, 210:19, 243:22</p> <p>entity [1] - 40:3</p> <p>enumerate [1] - 210:3</p> <p>enumerated [3] - 7:23, 194:3, 201:13</p> <p>enumeration [3] - 39:22, 59:17, 116:5</p> <p>envision [5] - 207:3, 233:6, 235:10, 235:12, 235:15</p> <p>envisioned [1] - 206:22</p> <p>envisions [1] - 183:9</p> <p>epidemic [1] - 234:24</p> <p>equal [3] - 144:7, 173:22, 183:18</p> <p>equalled [1] - 172:9</p> <p>equals [3] - 17:7, 123:18, 177:14</p> <p>equated [2] - 201:10, 202:6</p> <p>equating [1] - 203:21</p> <p>equation [2] - 177:13, 244:5</p> <p>equipment [1] - 161:20</p> <p>equivalence [2] - 40:5, 40:7</p> <p>equivalency [2] -</p>	<p>40:10, 41:25</p> <p>ERICA [1] - 2:9</p> <p>erred [3] - 169:22, 169:23, 169:24</p> <p>erroneously [1] - 167:9</p> <p>error [41] - 48:2, 107:19, 112:6, 112:10, 112:23, 112:24, 113:2, 113:3, 113:7, 113:8, 113:11, 113:16, 113:21, 114:20, 116:12, 116:23, 117:11, 128:5, 128:14, 128:16, 128:17, 129:10, 129:15, 137:21, 162:9, 166:11, 169:10, 169:25, 170:1, 170:2, 170:7, 170:9, 170:14, 177:14, 211:10, 254:7, 254:9, 254:20, 254:22</p> <p>Error [1] - 112:4</p> <p>errors [4] - 116:24, 129:20, 137:18, 200:2</p> <p>especially [2] - 157:9, 161:25</p> <p>essentially [17] - 38:15, 40:7, 42:16, 48:7, 52:18, 107:16, 120:9, 132:25, 138:14, 139:1, 162:14, 188:23, 248:15, 254:8, 254:23, 255:14, 256:4</p> <p>establish [4] - 146:20, 172:10, 173:23, 205:18</p> <p>established [4] - 186:23, 188:19, 190:16, 205:11</p> <p>establishes [1] - 101:24</p> <p>establishing [1] - 60:23</p> <p>Estimate [1] - 112:11</p> <p>estimate [43] - 61:10, 101:14, 101:17, 108:19, 109:13, 109:14, 109:16, 109:18, 111:1, 112:8, 113:8, 113:20, 115:20, 115:24, 127:6, 127:13, 127:21, 128:11, 128:18, 128:22, 129:6, 129:7, 129:13, 130:2, 169:20,</p>	<p>176:21, 177:15, 177:24, 180:2, 181:11, 184:11, 190:12, 201:9, 203:21, 204:16, 229:20, 234:2, 235:18, 245:11, 245:24, 246:17, 246:21, 249:12</p> <p>estimated [1] - 102:2</p> <p>estimates [4] - 127:4, 131:5, 200:25, 229:23</p> <p>estimating [2] - 190:12, 211:9</p> <p>et [5] - 4:3, 4:5, 4:21, 4:25, 162:10</p> <p>ethnic [1] - 161:9</p> <p>ethnicity [6] - 12:16, 19:6, 19:7, 105:7, 165:22, 195:10</p> <p>Europe [2] - 224:12, 224:15</p> <p>evaluating [1] - 192:15</p> <p>Evaluating [1] - 180:20</p> <p>EVANJELINA [1] - 1:4</p> <p>event [1] - 155:8</p> <p>eventually [1] - 132:17</p> <p>evidence [2] - 175:21, 195:16</p> <p>exact [9] - 38:14, 101:14, 101:16, 112:18, 119:11, 119:12, 119:17, 141:23, 186:16</p> <p>exactly [19] - 22:12, 37:6, 79:17, 106:20, 119:8, 131:19, 136:1, 154:3, 162:20, 165:17, 184:3, 202:13, 202:17, 202:21, 203:10, 226:23, 241:2, 244:7, 246:1</p> <p>examination [1] - 257:16</p> <p>Examination [3] - 3:4, 3:5, 3:6</p> <p>EXAMINATION [5] - 5:20, 166:5, 184:18, 250:7, 253:19</p> <p>examine [2] - 223:24, 241:18</p> <p>examined [1] - 257:16</p> <p>examining [2] -</p>	<p>35:20, 225:7</p> <p>example [27] - 28:2, 37:13, 42:4, 44:5, 44:14, 44:17, 52:6, 96:9, 99:1, 103:23, 108:8, 120:25, 127:4, 128:8, 133:14, 178:20, 179:2, 179:12, 179:20, 183:24, 189:16, 198:11, 203:22, 222:14, 239:16, 243:24, 254:10</p> <p>examples [1] - 173:9</p> <p>exceed [1] - 183:6</p> <p>exceeded [1] - 172:9</p> <p>Excel [12] - 12:24, 14:16, 14:20, 14:21, 63:7, 64:22, 65:12, 70:15, 72:12, 73:2, 74:8, 243:4</p> <p>except [10] - 84:21, 103:10, 132:13, 133:12, 138:16, 141:24, 145:18, 164:1, 230:12, 251:14</p> <p>exclude [1] - 229:25</p> <p>exclusively [3] - 72:7, 150:24, 151:22</p> <p>exercise [3] - 115:10, 216:22, 233:6</p> <p>exercising [1] - 162:17</p> <p>exhaustive [1] - 176:19</p> <p>exhibit [8] - 9:9, 19:22, 67:7, 82:22, 174:8, 174:11, 201:3, 237:8</p> <p>Exhibit [63] - 3:17, 3:22, 3:23, 5:14, 6:3, 6:24, 7:11, 7:12, 7:15, 7:23, 9:6, 9:11, 9:19, 10:5, 32:10, 46:14, 54:10, 61:15, 64:6, 64:7, 67:17, 67:21, 75:17, 82:24, 83:2, 83:14, 83:17, 83:23, 83:24, 84:1, 84:9, 84:14, 85:2, 85:25, 87:23, 88:25, 89:2, 93:23, 105:24, 118:2, 118:6, 160:3, 160:10, 174:14, 184:20, 184:24, 191:9, 192:24, 193:2, 193:3, 193:6, 194:2, 197:3, 199:4, 201:4, 201:16, 201:24, 204:13, 214:17, 214:21,</p>	<p>237:5, 241:10, 250:12</p> <p>Exhibits [1] - 251:19</p> <p>exhibits [3] - 6:22, 10:2, 250:10</p> <p>exist [6] - 9:12, 9:20, 63:12, 102:19, 102:20, 113:19</p> <p>existing [4] - 12:17, 209:4, 239:24, 240:1</p> <p>exists [1] - 222:15</p> <p>expansion [1] - 238:20</p> <p>expect [4] - 116:13, 117:11, 178:13, 179:12</p> <p>expectancy [1] - 102:19</p> <p>experience [5] - 100:11, 251:24, 252:8, 252:13, 252:25</p> <p>expert [11] - 83:9, 83:10, 84:3, 93:22, 154:21, 157:1, 158:3, 158:11, 158:14, 214:2, 252:5</p> <p>expertise [1] - 157:24</p> <p>experts [1] - 158:15</p> <p>expires [1] - 258:7</p> <p>explain [8] - 14:2, 28:1, 29:15, 39:15, 89:22, 166:10, 166:15, 178:9</p> <p>explained [1] - 56:23</p> <p>explains [1] - 39:8</p> <p>explanatory [1] - 10:14</p> <p>explicitly [3] - 216:11, 216:18, 223:25</p> <p>express [1] - 212:1</p> <p>expressed [3] - 92:9, 213:3, 252:10</p> <p>expressing [1] - 212:5</p> <p>extend [3] - 25:9, 220:25, 221:15</p> <p>extensively [3] - 188:10, 188:16, 223:20</p> <p>extent [3] - 8:13, 48:12, 229:25</p> <p>external [1] - 187:17</p> <p>extracted [3] - 12:21, 14:12, 62:13</p> <p>extraneous [1] - 117:22</p> <p>extremes [1] - 183:23</p> <p>eyeball [3] - 37:2,</p>
---	--	---	--	--

<p>43:1, 60:25 eyeballing [5] - 36:1, 36:2, 43:15, 45:2, 52:5</p> <p>F</p> <p>FAA [1] - 81:13 face [1] - 181:6 facilities [2] - 37:25 Fact [6] - 18:19, 23:10, 119:2, 120:23, 132:12, 137:24 fact [24] - 8:11, 47:17, 61:10, 91:23, 94:25, 101:7, 101:11, 101:13, 106:10, 118:3, 129:14, 149:24, 174:21, 177:15, 180:3, 182:22, 186:4, 186:7, 189:10, 190:22, 198:5, 206:11, 221:7, 255:12 factor [6] - 82:14, 114:19, 234:12, 235:13, 247:11, 247:13 factors [10] - 97:11, 235:4, 235:16, 239:5, 239:12, 239:14, 239:21, 239:23, 239:24, 246:7 facts [1] - 175:21 failed [2] - 147:1, 167:5 fair [8] - 9:1, 34:1, 80:15, 101:19, 144:4, 159:10, 212:24, 235:5 Fair [1] - 212:10 fairly [2] - 103:21, 247:21 fall [3] - 45:19, 156:18, 178:8 falls [1] - 112:19 false [27] - 177:5, 177:6, 177:11, 179:2, 179:3, 179:21, 181:1, 185:16, 185:19, 185:20, 185:21, 185:22, 186:1, 186:2, 186:3, 186:6, 186:12, 188:1, 188:2, 190:23, 190:24, 199:14, 199:17 familiar [4] - 168:15, 208:2, 208:13, 211:21 family [5] - 37:17, 37:24, 198:6, 198:19,</p>	<p>198:21 far [7] - 66:18, 129:17, 139:10, 175:12, 192:10, 199:12, 200:7 fashion [1] - 204:3 favor [1] - 195:7 avored [1] - 198:19 federal [2] - 95:15, 103:2 felt [2] - 53:4, 116:6 female [2] - 126:10, 126:13 females [2] - 123:22, 136:18 few [7] - 76:15, 142:13, 173:9, 202:15, 248:16, 255:9 fewer [1] - 195:24 Fewer [1] - 200:14 fifth [2] - 35:4, 154:13 fifths [2] - 154:14, 219:11 Figure [11] - 23:14, 23:15, 23:24, 218:22, 219:10, 219:15, 220:17, 220:19, 221:23, 227:22 figure [11] - 23:16, 48:20, 93:4, 109:19, 114:2, 117:8, 129:10, 171:17, 171:19, 171:24, 219:9 figured [1] - 46:12 figures [1] - 121:9 file [49] - 9:16, 10:7, 10:10, 13:7, 14:16, 14:20, 14:21, 15:13, 15:14, 17:1, 17:4, 38:24, 40:5, 40:7, 40:10, 49:3, 54:5, 56:20, 56:21, 59:3, 63:16, 64:22, 65:8, 65:9, 66:7, 66:14, 68:1, 69:15, 69:24, 70:1, 70:5, 71:6, 75:12, 77:25, 107:3, 107:9, 107:21, 124:15, 139:20, 195:24, 214:12, 225:24, 243:1, 243:5, 247:20, 247:22, 253:24, 254:3, 254:4 File [8] - 1:12, 63:7, 72:12, 92:5, 119:15, 133:23, 148:4, 148:5 filed [7] - 3:24, 10:8, 14:25, 145:11, 145:13, 146:18,</p>	<p>214:11 files [8] - 38:23, 56:7, 56:16, 71:5, 73:1, 117:23, 247:16, 247:23 fill [5] - 101:16, 152:17, 209:22, 209:23, 214:22 filled [1] - 118:20 final [5] - 57:8, 57:10, 110:7, 247:7, 247:24 finally [5] - 44:8, 53:10, 80:13, 155:3, 253:12 financially [1] - 257:25 Finder [6] - 18:19, 23:10, 119:2, 120:23, 132:13, 137:25 fine [4] - 89:3, 159:6, 159:19, 160:19 finish [2] - 32:22, 175:8 finished [1] - 79:14 finishes [1] - 74:25 FIPS [3] - 16:25, 17:3, 17:9 firm [3] - 14:19, 53:19, 54:24 Firm [1] - 72:14 first [51] - 5:17, 10:5, 10:6, 10:24, 11:10, 16:6, 22:22, 23:7, 23:22, 29:8, 29:11, 30:7, 34:1, 44:25, 46:7, 49:18, 69:7, 69:18, 69:19, 73:21, 76:10, 77:9, 78:11, 82:21, 91:14, 102:10, 102:24, 103:1, 105:14, 119:10, 134:6, 147:9, 150:12, 151:21, 152:4, 156:24, 157:19, 163:22, 164:3, 164:8, 171:3, 174:16, 175:9, 188:21, 191:20, 194:5, 200:7, 214:20, 223:14, 238:4, 248:6 fit [1] - 247:8 fits [1] - 157:24 fitting [1] - 48:9 Five [3] - 87:6, 87:13, 92:12 five [48] - 49:3, 59:3, 61:9, 66:5, 87:18, 88:13, 90:5, 90:11, 90:13, 93:20, 99:11, 100:13, 101:2,</p>	<p>107:13, 107:15, 108:11, 108:13, 108:19, 109:16, 110:8, 110:10, 110:11, 115:9, 115:12, 115:16, 115:17, 115:22, 116:12, 116:15, 123:23, 129:4, 132:19, 139:20, 198:16, 209:18, 225:23, 227:5, 227:18, 231:20, 231:21, 243:1, 246:2, 246:16, 253:24, 255:3, 255:5, 255:18 five-minute [1] - 209:18 Five-Year [3] - 87:6, 87:13, 92:12 five-year [27] - 49:3, 59:3, 61:9, 90:11, 93:20, 100:13, 101:2, 110:8, 110:11, 115:9, 115:12, 115:16, 115:17, 116:12, 116:15, 139:20, 225:23, 227:5, 227:18, 231:20, 231:21, 243:1, 246:2, 246:16, 253:24, 255:3 fix [1] - 176:4 Fix [3] - 10:25, 69:21, 70:21 flash [2] - 54:9 flaw [1] - 166:15 flawed [4] - 166:14, 166:15, 170:11, 206:4 Fletcher [3] - 213:4, 213:7, 213:13 flip [1] - 29:14 flipping [1] - 139:5 flows [1] - 224:25 focus [1] - 100:19 focused [3] - 32:16, 100:16, 181:16 folder [8] - 54:6, 54:15, 69:14, 69:15, 69:23, 71:4, 74:12, 74:13 folks [1] - 168:1 follow [3] - 83:12, 152:9, 253:21 follow-up [2] - 83:12, 253:21 followed [5] - 38:8, 38:10, 38:16, 132:7, 132:9 following [5] - 16:14, 42:12, 77:3, 79:8,</p>	<p>257:11 follows [7] - 5:18, 23:15, 23:16, 23:19, 24:16, 43:20, 45:18 food [4] - 198:19, 198:20, 199:16, 200:9 Footnote [5] - 130:11, 223:21, 225:6, 226:19, 231:22 footnote [4] - 53:18, 62:25, 70:6, 72:15 footnoted [3] - 63:6, 226:18 forces [3] - 98:4, 223:10 foreign [2] - 229:21, 233:9 forenoon [2] - 4:14, 257:8 forever [1] - 240:4 forget [1] - 165:5 form [15] - 9:13, 17:16, 73:14, 74:7, 105:5, 168:8, 172:25, 173:12, 181:10, 199:9, 219:12, 221:4, 225:14, 243:19, 253:5 format [3] - 94:20, 133:19, 205:23 former [7] - 104:3, 161:4, 162:1, 205:16, 205:19, 206:2, 238:25 formula [2] - 60:21, 241:18 formulating [1] - 115:2 forth [13] - 39:22, 113:17, 114:5, 139:5, 147:19, 155:2, 180:19, 196:7, 205:3, 216:11, 229:10, 243:18, 249:5 fortunate [1] - 161:25 forward [2] - 132:16, 244:6 four [8] - 27:25, 41:8, 118:6, 132:19, 154:6, 154:7, 154:14, 255:21 four-fifths [1] - 154:14 fraction [7] - 34:8, 34:9, 52:5, 52:15, 90:7, 108:17, 174:23 fractional [1] - 29:23 fractions [6] - 30:6, 32:3, 32:25, 46:3, 52:19, 177:10 Fredonia [1] - 5:10 frequent [3] -</p>
--	--	--	--	---

<p>168:11, 168:12, 189:25 frequently [9] - 168:23, 174:19, 175:13, 189:18, 189:23, 190:1, 197:6, 201:11, 202:2 front [12] - 11:19, 18:20, 27:20, 32:14, 46:14, 87:19, 88:2, 89:11, 119:5, 142:14, 182:23, 184:21 FRONTERA [1] - 2:8 Frontera [1] - 4:25 fruit [1] - 140:25 fulfills [1] - 101:22 full [8] - 65:12, 68:6, 127:2, 127:11, 162:2, 169:7, 175:2, 196:13 full-time [1] - 162:2 fully [2] - 165:23, 214:25 function [1] - 218:4 furnish [1] - 13:3 Furnished [2] - 63:8, 72:13 furnished [10] - 23:4, 53:18, 54:23, 54:24, 55:3, 63:12, 64:22, 66:7, 70:9, 243:6 future [6] - 82:15, 87:18, 137:16, 235:9, 236:2, 249:7</p> <p>G</p> <p>Gaddie [3] - 145:3, 145:14, 145:18 gained [3] - 217:14, 217:17, 252:24 game [1] - 159:10 gaps [2] - 99:13, 214:22 Gary [1] - 202:16 gauging [1] - 35:22 general [1] - 225:13 General [3] - 2:1, 2:16, 5:2 generally [8] - 14:2, 30:20, 33:4, 129:18, 130:4, 219:17, 250:25, 251:3 generate [3] - 185:15, 185:18, 247:17 generated [2] - 117:3, 203:9 generates [1] - 248:22</p>	<p>generic [1] - 133:15 geographers' [1] - 161:8 geographic [13] - 21:8, 35:1, 36:25, 41:12, 57:24, 66:13, 66:18, 98:6, 133:13, 133:16, 195:9, 225:18, 243:14 geographical [1] - 41:2 geographically [1] - 41:18 Geography [2] - 133:23, 134:12 geography [19] - 17:6, 21:10, 23:6, 35:23, 37:12, 39:5, 39:16, 39:18, 40:2, 40:13, 58:8, 107:24, 117:18, 117:19, 117:25, 121:15, 141:25, 157:12, 240:16 GERALD [2] - 1:15, 2:14 GIS [10] - 23:12, 26:24, 29:3, 160:25, 161:13, 161:20, 161:22, 162:12, 165:2, 165:4 given [25] - 6:4, 8:20, 29:25, 41:16, 70:17, 74:6, 76:6, 87:17, 97:7, 100:23, 101:6, 104:19, 112:9, 113:8, 113:12, 113:13, 128:5, 152:12, 167:20, 167:23, 168:6, 177:23, 241:4, 242:17, 257:19 GLADYS [1] - 1:6 glanced [1] - 38:22 GLORIA [1] - 1:7 Gobalet [1] - 208:22 GOBALET [1] - 208:22 GODFREY [1] - 4:19 gold [1] - 190:9 Gomez [5] - 178:22, 178:23, 178:25, 197:22, 197:23 government [2] - 103:2, 210:9 Government [5] - 1:13, 2:2, 2:12, 2:16, 4:4 gradations [1] - 100:13 great [3] - 194:24,</p>	<p>219:7, 221:1 greater [1] - 173:22 Grofman [3] - 145:4, 145:15 gross [1] - 48:9 ground [1] - 89:17 grounded [1] - 252:12 group [36] - 21:13, 23:8, 41:3, 41:4, 41:5, 41:11, 58:10, 75:17, 77:13, 87:17, 90:18, 104:6, 118:23, 118:25, 153:10, 196:17, 212:24, 219:24, 220:3, 220:7, 222:16, 234:25, 242:8, 251:15, 253:23, 253:25, 254:6, 254:11, 254:15, 254:19, 254:24, 255:1, 255:18, 255:20, 255:25, 256:3 groups [10] - 28:6, 90:19, 120:10, 149:24, 149:25, 221:8, 251:7, 255:5, 255:7, 255:11 Growing [1] - 118:14 growing [2] - 97:2, 238:24 growth [1] - 223:10 guarantee [2] - 234:18, 235:2 guaranteed [1] - 234:20 guarantees [2] - 234:13, 234:16 guess [4] - 53:11, 100:8, 161:1, 176:13 guy [1] - 255:21 GWENDOLYNNE [1] - 1:10</p> <p>H</p> <p>half [4] - 103:24, 151:23, 153:18, 153:19 hand [44] - 9:4, 10:10, 11:4, 18:14, 26:15, 28:2, 35:4, 46:10, 49:13, 53:9, 54:4, 65:5, 71:24, 83:12, 83:16, 86:12, 86:15, 88:8, 91:12, 92:18, 93:1, 99:20, 109:20, 110:18,</p>	<p>115:11, 121:21, 122:11, 123:7, 125:15, 126:1, 126:12, 134:15, 138:6, 142:24, 149:13, 150:13, 151:21, 151:23, 152:15, 152:16, 152:22, 153:18, 153:19, 258:3 handing [3] - 6:4, 67:19, 83:1 handout [1] - 7:2 handrick [6] - 55:5, 56:7, 61:18, 62:12, 104:20, 253:10 Handrick [29] - 14:18, 14:21, 53:19, 55:3, 61:4, 61:7, 63:8, 63:12, 64:22, 66:8, 70:2, 70:10, 70:11, 70:18, 72:5, 72:9, 72:14, 73:5, 104:22, 105:2, 105:13, 142:6, 164:19, 164:25, 165:7, 165:8, 165:9, 242:22, 243:6 Handrick's [1] - 62:23 hands [1] - 194:25 hands-on [1] - 194:25 handwrite [1] - 86:21 handwriting [31] - 11:18, 11:23, 19:12, 19:13, 19:20, 24:9, 26:17, 28:22, 29:13, 30:19, 46:2, 46:9, 47:8, 47:21, 48:12, 49:15, 52:24, 57:4, 64:7, 65:7, 68:13, 68:25, 75:20, 78:12, 80:19, 85:14, 86:24, 132:21, 137:8, 248:4 handwritten [25] - 10:24, 16:21, 23:23, 24:6, 25:24, 28:16, 28:25, 32:23, 32:25, 42:20, 47:6, 47:13, 48:13, 49:7, 61:15, 78:8, 81:6, 85:9, 85:24, 88:24, 121:14, 123:17, 126:1, 248:10, 248:13 happy [2] - 170:19, 248:7 hard [23] - 9:13, 9:15, 9:19, 9:20, 9:22, 9:23, 10:8, 10:22, 15:17, 16:9, 17:20,</p>	<p>38:12, 38:21, 64:24, 73:14, 121:12, 152:9, 219:1, 219:8, 247:21, 248:1, 249:10 hash [2] - 85:16, 85:19 hate [1] - 67:1 HCVAP [1] - 59:21 head [4] - 172:16, 197:24, 197:25, 198:7 heading [4] - 20:4, 20:5, 20:15, 21:23 heads [3] - 198:2, 198:5, 198:6 health [1] - 95:16 Health [4] - 95:18, 95:19, 103:11, 236:25 heard [4] - 75:15, 158:17, 164:18, 214:9 Heather [1] - 5:10 heavily [19] - 23:17, 24:15, 174:19, 174:22, 174:24, 175:1, 189:18, 189:19, 189:20, 190:6, 197:7, 199:19, 200:4, 200:5, 201:12, 202:3, 203:5, 239:1, 239:2 held [1] - 187:24 helpful [2] - 80:24, 187:2 hence [1] - 215:2 hereby [1] - 257:5 herein [1] - 77:7 hereto [1] - 257:25 hereunto [1] - 258:2 Hernandez [2] - 168:1, 175:13 high [8] - 112:15, 113:6, 162:8, 172:3, 199:6, 205:12, 205:24, 249:5 higher [9] - 90:20, 104:8, 116:14, 116:15, 117:11, 129:15, 137:14, 206:13, 206:15 highlight [4] - 19:22, 49:5, 49:7, 49:9 highlighted [2] - 20:1, 60:14 highlighter [1] - 19:25 hinges [1] - 201:8 Hispanic [264] - 18:6, 18:8, 18:15, 19:2, 19:16, 20:5, 20:8, 20:24, 21:3, 21:17, 22:3, 22:8, 22:18,</p>
--	---	---	--	--

23:17, 24:6, 24:11, 24:15, 30:23, 34:13, 34:14, 47:1, 49:1, 49:2, 49:16, 51:4, 58:3, 58:6, 58:25, 59:1, 59:4, 59:22, 60:12, 60:23, 74:1, 76:1, 76:20, 87:9, 87:16, 87:20, 88:9, 89:6, 89:24, 90:24, 92:2, 92:3, 92:14, 92:15, 92:16, 92:19, 92:20, 92:21, 92:23, 93:1, 93:9, 93:17, 94:1, 94:3, 95:22, 96:4, 97:8, 97:15, 98:5, 98:12, 98:17, 98:18, 99:25, 101:13, 102:18, 103:16, 103:23, 106:8, 106:9, 106:21, 109:18, 110:20, 111:21, 113:8, 113:14, 119:12, 119:13, 119:20, 121:13, 121:16, 121:17, 122:14, 128:25, 130:1, 131:6, 134:19, 134:24, 137:1, 137:5, 137:12, 137:14, 137:22, 138:13, 138:18, 138:21, 143:14, 143:25, 144:4, 148:14, 148:17, 149:1, 149:4, 149:5, 149:10, 149:11, 150:2, 150:25, 151:1, 151:2, 151:7, 152:24, 153:12, 153:14, 153:15, 153:21, 154:11, 154:25, 155:1, 157:7, 166:17, 167:2, 167:6, 167:9, 172:6, 172:11, 174:19, 174:25, 175:1, 176:8, 176:22, 176:24, 176:25, 177:1, 177:14, 177:17, 177:19, 177:24, 178:16, 178:24, 179:1, 179:10, 179:14, 179:20, 180:1, 180:4, 181:12, 181:24, 182:15, 182:20, 182:25, 183:1, 183:2, 183:20, 183:25, 184:2, 184:6, 184:8, 185:8, 185:14, 185:24, 185:25,	186:4, 186:6, 186:7, 186:18, 187:25, 189:1, 189:18, 189:19, 190:1, 190:6, 194:9, 195:19, 196:1, 196:3, 196:17, 197:7, 198:12, 198:13, 198:17, 198:18, 198:19, 198:20, 199:1, 199:16, 199:19, 199:20, 200:4, 200:5, 200:9, 201:12, 201:13, 202:3, 203:2, 203:5, 203:16, 205:19, 206:12, 206:22, 207:4, 207:7, 215:23, 215:24, 216:21, 216:22, 216:24, 216:25, 219:18, 220:1, 220:15, 221:10, 221:20, 221:22, 222:20, 223:2, 226:3, 227:25, 229:17, 229:18, 230:17, 230:21, 231:18, 231:24, 232:24, 233:4, 233:7, 233:13, 237:10, 237:20, 238:20, 239:1, 239:2, 240:18, 241:16, 242:5, 242:13, 244:9, 245:23, 246:19, 249:2, 249:24, 254:15, 255:19, 255:20 Hispanics [104] - 24:13, 51:16, 60:16, 82:16, 82:17, 88:11, 90:3, 90:12, 93:2, 93:3, 93:8, 93:9, 93:14, 93:15, 96:15, 97:1, 106:8, 108:9, 109:20, 111:12, 115:17, 117:9, 118:14, 122:20, 123:9, 127:24, 128:3, 131:6, 134:17, 135:14, 138:13, 138:21, 141:7, 141:11, 141:15, 143:21, 146:24, 148:2, 148:9, 148:13, 149:14, 149:16, 149:17, 149:23, 150:9, 150:10, 153:12, 153:17, 153:22, 178:18, 183:6, 190:7, 203:25, 204:1, 206:25, 215:1,	216:2, 216:4, 217:7, 217:8, 217:12, 217:14, 218:6, 218:10, 218:19, 219:11, 219:25, 220:9, 220:11, 221:1, 221:9, 223:11, 228:8, 228:24, 229:6, 229:24, 229:25, 230:3, 230:4, 230:6, 230:8, 231:8, 232:2, 232:5, 232:9, 232:11, 232:13, 232:16, 233:3, 234:4, 236:4, 236:5, 237:14, 237:15, 238:7, 238:23, 242:1, 242:3, 244:23, 245:2, 249:12 Hispanics' [5] - 71:8, 94:7, 94:13, 94:24, 97:21 history [2] - 209:12, 222:13 Hodan [12] - 10:20, 23:4, 31:15, 155:16, 156:2, 156:20, 156:23, 157:3, 157:18, 159:24, 163:17, 165:2 hold [5] - 136:20, 136:23, 138:7, 181:23, 205:9 home [1] - 219:10 homes [1] - 37:24 homogeneous [1] - 200:6 honestly [1] - 48:19 hope [1] - 195:15 hopefully [1] - 166:8 horse's [1] - 165:15 hot [1] - 39:6 HOUGH [1] - 1:5 hours [1] - 101:18 household [9] - 197:24, 197:25, 198:1, 198:5, 198:6, 198:7, 198:21, 209:24, 240:3 householder [4] - 197:14, 198:17, 198:18, 200:18 householders [2] - 196:2, 200:12 households [3] - 198:12, 240:7, 240:10 houses [1] - 37:18 hover [2] - 56:12, 75:12 Howard [1] - 182:12 huge [1] - 13:7	hypothetical [9] - 37:14, 37:18, 37:21, 153:2, 168:10, 177:10, 183:9, 203:22, 233:18 hypothetically [2] - 182:22, 182:24 I icons [1] - 56:25 idea [10] - 13:22, 31:7, 171:6, 171:15, 172:18, 173:15, 173:20, 181:16, 190:4, 199:18 ideas [1] - 58:17 identical [3] - 109:3, 115:7, 153:5 identification [9] - 5:15, 6:25, 7:13, 67:18, 82:25, 83:15, 174:15, 192:25, 201:5 identified [18] - 8:3, 8:12, 12:23, 18:2, 26:21, 36:8, 78:3, 111:9, 111:10, 120:21, 144:5, 160:17, 160:19, 167:8, 222:1, 223:1, 227:21, 228:20 Identified [1] - 3:10 identifier [2] - 117:24, 119:10 identifies [4] - 7:23, 24:22, 31:20, 91:7 identify [37] - 7:17, 9:8, 10:15, 17:23, 22:25, 25:14, 25:15, 25:23, 67:23, 69:7, 77:17, 78:9, 79:20, 117:16, 121:1, 129:20, 130:6, 146:15, 167:10, 169:6, 171:16, 185:2, 185:8, 191:9, 198:12, 201:25, 209:6, 219:17, 219:18, 221:25, 223:5, 223:9, 223:14, 223:21, 228:24, 230:20, 231:7 identifying [3] - 187:2, 195:18, 198:25 ignoring [1] - 99:19 Ill [1] - 1:5 Illinois [5] - 212:7, 212:15, 212:21, 213:1, 214:2 illustrate [1] - 76:11	illustration [4] - 177:10, 178:20, 179:23, 254:12 imagine [3] - 103:22, 153:11, 241:22 IMM [1] - 226:15 immediately [3] - 136:25, 157:17, 255:22 immense [1] - 41:23 immigrants [4] - 226:4, 226:7, 226:13 impact [1] - 169:19 implemented [1] - 204:2 implications [1] - 235:24 implicit [1] - 215:22 imply [1] - 186:17 importance [1] - 154:24 important [4] - 154:22, 176:5, 223:10, 226:9 imposed [1] - 182:3 impossibility [1] - 186:10 impossible [1] - 206:20 impressions [1] - 45:9 improve [1] - 57:24 improvement [1] - 91:19 in-migrants [4] - 226:9, 226:10, 228:1, 231:18 inaccuracy [1] - 174:1 inappropriate [1] - 204:15 INC [1] - 2:8 Inc [1] - 4:25 incidence [14] - 167:17, 167:19, 167:20, 168:6, 168:17, 171:13, 171:19, 171:21, 172:3, 173:15, 173:20, 173:22, 175:12, 175:15 include [4] - 172:4, 233:9, 239:22, 240:15 included [14] - 26:23, 29:17, 76:10, 98:11, 113:18, 116:21, 117:8, 124:20, 128:14, 209:21, 209:25, 240:13, 243:18,
--	--	---	---	--

<p>245:11 including [2] - 102:18, 160:11 inclusion [1] - 187:18 incorporated [2] - 22:13, 83:23 incorporating [1] - 83:20 increase [16] - 217:18, 218:11, 222:21, 230:20, 232:12, 232:23, 233:14, 233:16, 233:21, 234:13, 235:14, 235:15, 240:21, 246:12, 246:22, 247:5 increased [3] - 217:14, 232:19, 233:21 increases [1] - 90:18 increasing [4] - 227:16, 240:19, 246:14, 246:18 independent [1] - 162:18 independently [1] - 144:3 indicate [7] - 21:18, 34:7, 42:25, 58:24, 86:8, 87:1, 149:9 indicated [3] - 48:1, 168:14, 206:20 indicates [4] - 43:1, 86:13, 168:22, 180:10 indirect [1] - 195:6 individual [3] - 32:10, 191:3, 202:4 individually [1] - 8:9 individuals [7] - 170:25, 180:11, 181:18, 198:8, 222:5, 222:10, 222:18 induce [1] - 98:5 industrial [2] - 37:24, 39:19 ineligible [1] - 215:2 inevitably [2] - 94:2, 97:16 infer [1] - 206:10 inference [5] - 166:12, 166:24, 202:8, 204:7, 206:18 infinitesimal [1] - 168:7 infinitesimally [1] - 168:11 influence [1] - 100:10</p>	<p>influences [3] - 221:20, 221:25, 223:1 influx [5] - 206:22, 226:3, 228:10, 230:23, 231:8 inform [1] - 155:22 information [12] - 41:2, 69:9, 70:11, 77:19, 78:24, 111:4, 127:20, 138:5, 162:10, 200:3, 247:24, 253:9 infrequent [1] - 168:13 infrequently [1] - 195:1 initial [13] - 43:1, 45:2, 45:9, 46:15, 49:22, 51:2, 52:12, 53:2, 54:3, 60:8, 77:9, 118:19, 195:2 input [4] - 58:20, 86:10, 145:7, 208:9 inquired [1] - 73:20 inquiries [1] - 158:6 inquiry [1] - 158:2 inside [2] - 33:9, 221:2 insofar [1] - 221:9 inspection [1] - 103:20 instances [3] - 9:20, 36:3, 255:2 instead [3] - 120:10, 138:17, 195:8 instruction [1] - 29:7 intact [2] - 91:25, 189:14 integrity [2] - 201:7, 201:9 intended [2] - 176:11, 210:3 intensely [1] - 102:1 intensify [1] - 101:8 intent [1] - 212:5 interest [7] - 102:16, 102:20, 219:13, 221:5, 221:10, 221:12, 221:15 interested [4] - 80:14, 129:13, 198:13, 258:1 interests [1] - 210:17 internal [8] - 103:10, 180:17, 187:16, 224:3, 224:6, 224:8, 224:10, 224:14 internally [1] - 189:7 international [2] - 224:12, 224:16</p>	<p>Intervenor [2] - 1:11, 2:6 Intervenor- Defendants [1] - 2:6 Intervenor- Plaintiffs [1] - 1:11 interviewed [2] - 255:18, 255:21 interviews [3] - 229:16, 230:7, 255:9 intimately [1] - 208:2 introduction [1] - 194:13 Introduction [1] - 102:13 inventory [1] - 194:8 invoice [1] - 155:16 involve [2] - 39:11, 39:13 involved [9] - 38:18, 38:19, 78:23, 78:24, 80:2, 145:21, 157:11, 207:25, 208:3 involves [1] - 39:13 Irish [1] - 222:12 irrelevant [1] - 81:1 issue [5] - 107:3, 107:9, 188:25, 254:25, 255:6 issued [1] - 180:23 item [1] - 23:8 items [2] - 10:21, 10:24 itself [10] - 36:14, 66:3, 69:24, 75:11, 75:12, 76:19, 85:11, 91:7, 187:19, 206:14</p>	<p>JPS-DPW-RMD [1] - 2:12 Jr [1] - 193:16 JR [2] - 2:4, 2:4 judge [2] - 57:11, 114:17 judges [1] - 214:9 judgment [4] - 162:18, 176:9, 198:23, 199:7 JUDY [1] - 1:7 jump [4] - 166:7, 194:12, 195:22, 200:23 June [1] - 258:8 Justice [6] - 12:9, 15:12, 15:20, 15:21, 15:24, 16:1 JUSTICE [1] - 5:3 Juvenile [9] - 70:13, 71:12, 71:17, 71:21, 72:3, 72:19, 241:7, 241:12, 243:23 juvenile [13] - 72:6, 94:15, 97:13, 98:3, 206:24, 239:16, 245:6, 245:7, 245:22, 246:11, 248:18, 248:20, 249:3 juveniles [7] - 94:3, 94:25, 137:15, 234:23, 238:21, 245:14, 246:13 JuvenileAging [1] - 13:25</p>	<p>Kenneth [1] - 3:21 kept [1] - 15:17 KEVIN [2] - 2:1, 2:15 key [1] - 109:19 kiddy [1] - 43:8 Kim [3] - 15:7, 15:15, 15:25 kind [20] - 23:15, 43:20, 45:8, 76:12, 102:10, 136:8, 155:18, 157:10, 162:6, 186:14, 191:22, 192:10, 212:1, 214:15, 219:8, 234:1, 247:23, 250:22, 254:12, 255:15 KIND [1] - 1:10 King [1] - 203:9 King's [2] - 202:16, 202:23 Klein [1] - 208:20 knowing [1] - 176:5 knowledge [7] - 160:4, 160:5, 161:21, 169:24, 188:13, 252:24, 257:14 known [1] - 195:20 knows [2] - 104:6, 162:2 KRESBACH [1] - 1:6</p>
				<p>L</p>
			<p>K</p>	<p>LA [1] - 2:8 label [1] - 74:9 labeled [16] - 23:14, 26:6, 54:6, 60:9, 63:3, 63:4, 71:12, 71:15, 78:11, 90:1, 92:13, 92:20, 105:24, 132:18, 133:7, 152:23 labeling [1] - 28:14 labels [2] - 26:14, 133:2 laid [1] - 15:12 lake [1] - 38:19 landscape [1] - 222:19 Lane [1] - 5:10 LANGE [1] - 1:6 language [1] - 195:20 Lao [5] - 172:24, 173:2, 179:18, 179:19 LAO [2] - 172:24, 173:2 large [12] - 40:23, 41:9, 52:25, 107:4,</p>
		<p>J</p>	<p>JAMES [1] - 2:4 January [6] - 1:20, 3:18, 4:13, 77:16, 257:7, 258:4 Jeanne [1] - 208:22 JEANNE [1] - 1:7 Jefferson [1] - 4:23 Joan [3] - 178:21, 178:23 Joe [1] - 164:19 John [1] - 145:3 JOHNSON [1] - 1:5 JOSE [1] - 2:9 Joseph [10] - 14:18, 53:19, 61:3, 61:7, 62:23, 64:22, 66:8, 70:10, 72:14, 243:6 journal [1] - 160:16 JPS [1] - 2:12</p>	<p>KAHN [1] - 4:19 keep [8] - 25:21, 41:2, 77:24, 106:1, 131:20, 132:16, 192:15, 242:11 keeping [1] - 61:6 keeps [3] - 40:18, 40:25, 41:13 Keith [1] - 145:3 KELLY [11] - 5:5, 157:25, 158:19, 159:5, 159:11, 159:22, 168:8, 172:25, 173:6, 173:12, 181:10 Kelly [7] - 8:17, 84:10, 87:22, 159:24, 160:2, 163:19, 163:23 Kendrick [1] - 165:5 KENNEDY [2] - 2:1, 2:15</p>

<p>107:15, 107:16, 107:18, 111:5, 170:9, 220:8, 249:24, 254:23 larger [8] - 28:11, 40:3, 52:22, 107:10, 116:11, 168:2, 205:14, 206:1 last [14] - 7:22, 93:21, 108:4, 108:7, 155:3, 155:14, 170:4, 181:22, 189:6, 193:7, 194:22, 214:24, 238:12, 247:3 late [4] - 81:16, 152:8, 156:5, 156:16 latest [1] - 107:6 Latin [1] - 167:24 Latino [16] - 18:15, 20:5, 22:3, 119:13, 119:14, 134:19, 171:8, 180:1, 180:13, 181:7, 187:6, 187:14, 201:25, 202:5, 205:1, 211:15 Latinos [7] - 204:18, 205:14, 205:25, 206:5, 211:17, 211:23, 212:3 latter [3] - 104:4, 198:8, 239:1 Law [6] - 4:11, 4:19, 4:23, 5:6, 72:14, 257:9 law [3] - 14:19, 53:19, 54:24 LAW [1] - 4:23 lawful [1] - 4:2 lawsuit [5] - 78:23, 81:24, 82:4, 82:6, 159:25 lawyer [1] - 165:16 lawyers [1] - 164:9 Layout [3] - 11:2, 15:6, 73:12 layout [2] - 15:9, 74:20 Lazar [8] - 3:6, 8:17, 10:20, 31:15, 159:24, 164:6, 164:7, 250:8 LAZAR [36] - 5:2, 6:9, 6:13, 6:17, 6:20, 7:4, 7:8, 11:16, 15:19, 19:24, 67:13, 68:10, 69:5, 69:18, 69:20, 73:19, 74:24, 75:3, 75:6, 85:1, 85:10, 134:2, 134:6, 134:9, 136:5, 159:17, 160:7, 174:7, 174:13, 175:6, 175:20, 187:8,</p>	<p>210:10, 245:1, 253:16, 256:7 lead [1] - 177:12 leaf [1] - 125:2 leafing [1] - 132:16 least [15] - 16:12, 19:12, 22:25, 28:22, 94:18, 104:13, 188:19, 189:3, 213:16, 240:20, 245:3, 246:22, 247:1, 247:5, 253:13 leave [5] - 174:25, 176:6, 230:8, 240:7, 240:10 leaves [2] - 120:13, 178:18 leaving [2] - 176:10, 224:13 led [2] - 22:7, 89:18 left [33] - 11:4, 14:14, 18:14, 27:3, 32:11, 35:16, 43:11, 65:5, 88:8, 88:18, 92:13, 93:1, 99:22, 112:12, 113:4, 122:11, 123:1, 123:2, 123:3, 126:12, 126:22, 138:6, 149:13, 150:13, 151:23, 152:22, 153:18, 229:16, 230:11, 230:17, 239:5, 239:12, 239:14 left-hand [13] - 11:4, 18:14, 65:5, 88:8, 93:1, 122:11, 126:12, 138:6, 149:13, 150:13, 151:23, 152:22, 153:18 legal [2] - 56:4, 210:11 Legal [1] - 5:9 legible [1] - 35:8 lengthy [1] - 205:17 LESLIE [1] - 1:5 less [8] - 35:8, 157:11, 198:23, 198:24, 205:21, 234:3, 246:11, 246:14 letter [10] - 3:16, 10:13, 10:16, 83:8, 87:23, 155:15, 155:19, 155:24, 156:24, 160:3 level [39] - 21:11, 21:13, 21:15, 40:15, 40:17, 41:21, 42:6, 42:14, 42:17, 43:16, 78:25, 91:17, 101:24, 107:18, 107:20,</p>	<p>162:8, 162:9, 166:18, 167:3, 183:12, 199:1, 200:1, 205:21, 224:2, 225:24, 240:16, 243:2, 251:12, 251:15, 251:16, 253:23, 254:1, 254:5, 254:6, 254:20, 254:24, 255:1 levels [1] - 157:12 lie [3] - 116:14, 211:2, 211:6 lies [2] - 37:9, 116:13 life [4] - 86:11, 87:14, 102:19, 102:22 Life [4] - 87:8, 87:20, 89:6, 237:10 lift [2] - 64:25, 65:1 light [2] - 35:13, 207:6 lighter [4] - 27:1, 35:21, 35:23, 37:16 like-minded [2] - 222:10, 222:18 likelier [1] - 98:18 likelihood [2] - 122:5, 186:22 likely [6] - 119:25, 187:1, 199:19, 203:5, 247:25, 248:12 limitation [1] - 198:2 limitations [2] - 162:3, 196:24 limited [4] - 51:16, 95:25, 200:18, 220:14 line [10] - 20:16, 20:21, 41:25, 46:22, 52:24, 73:11, 116:1, 123:3, 130:14, 192:15 Line [3] - 11:1, 69:21, 70:21 lines [3] - 46:25, 130:19, 202:15 link [5] - 23:5, 39:6, 73:7, 150:4, 195:10 links [1] - 23:4 list [90] - 42:19, 44:1, 45:22, 166:23, 167:10, 167:11, 167:14, 168:21, 169:7, 169:12, 170:12, 171:9, 171:18, 171:22, 171:23, 171:25, 172:2, 172:4, 172:10, 172:19, 173:5, 173:13, 173:14, 173:17, 173:24, 174:3, 174:5, 174:18, 174:20, 175:2,</p>	<p>175:17, 176:19, 179:9, 179:17, 179:19, 181:14, 182:1, 184:25, 185:2, 185:15, 185:18, 185:19, 185:21, 185:23, 186:4, 186:5, 186:8, 186:10, 186:12, 187:3, 187:8, 187:12, 187:23, 188:6, 188:8, 188:9, 188:13, 188:16, 188:18, 188:23, 189:11, 189:13, 189:16, 189:17, 190:8, 190:15, 190:22, 190:23, 191:12, 192:16, 194:16, 194:18, 195:18, 196:15, 196:24, 197:9, 198:3, 198:10, 199:3, 199:9, 200:8, 200:10, 202:1, 202:4, 203:16, 203:20, 203:24, 204:4 List [3] - 3:20, 180:21, 193:23 listed [4] - 25:14, 25:15, 53:13, 218:16 listing [1] - 105:19 lists [1] - 189:15 literature [4] - 36:9, 36:12, 168:15, 208:8 litigation [14] - 16:13, 16:17, 80:1, 80:5, 207:24, 208:1, 209:1, 209:2, 209:9, 209:13, 209:16, 212:7, 212:11 live [4] - 198:14, 214:10, 214:14, 230:5 living [1] - 210:5 LLC [1] - 4:23 local [4] - 198:14, 199:16, 223:17 locate [3] - 43:6, 43:7, 65:10 logical [1] - 186:10 look [87] - 6:16, 8:11, 17:24, 20:15, 20:21, 21:23, 23:14, 26:15, 26:19, 30:7, 32:10, 34:15, 35:9, 43:9, 43:21, 44:25, 46:21, 47:3, 52:6, 62:17, 63:19, 65:18, 65:19, 67:5, 71:5, 73:9, 77:25, 78:2, 78:5, 79:1, 80:22, 80:25, 82:21, 83:18, 85:15,</p>	<p>89:1, 89:24, 90:10, 90:14, 99:23, 110:3, 110:16, 112:11, 114:23, 115:13, 120:3, 120:25, 121:18, 121:19, 124:16, 125:1, 126:8, 131:20, 133:13, 136:1, 136:9, 138:10, 142:15, 142:18, 143:1, 153:8, 155:5, 155:7, 157:23, 158:3, 159:20, 171:9, 188:24, 193:3, 194:5, 194:21, 195:13, 196:10, 204:22, 218:2, 218:15, 219:15, 219:17, 241:8, 243:23, 244:4, 244:15, 245:1, 248:6, 249:10, 250:10 looked [24] - 26:8, 26:9, 27:16, 28:24, 29:23, 31:8, 38:23, 44:22, 44:25, 45:6, 52:22, 64:15, 73:21, 81:1, 111:23, 115:9, 124:19, 129:19, 141:13, 161:2, 193:7, 215:7, 224:24, 248:11 looking [37] - 20:13, 23:9, 27:25, 34:1, 35:1, 37:2, 39:24, 43:16, 44:5, 46:8, 50:17, 53:10, 57:15, 63:1, 64:4, 70:20, 71:24, 76:17, 78:11, 79:24, 85:23, 88:19, 89:7, 90:7, 96:23, 99:1, 110:8, 115:15, 122:13, 123:12, 125:2, 128:8, 136:20, 148:6, 204:21, 214:19, 243:21 looks [27] - 30:25, 34:4, 41:15, 44:23, 45:7, 56:24, 59:25, 77:15, 81:8, 81:13, 84:21, 110:1, 114:14, 118:2, 118:10, 118:17, 119:8, 123:21, 128:9, 136:15, 136:18, 138:11, 138:20, 143:14, 143:24, 146:4, 226:15 lose [1] - 106:11 lost [1] - 136:8 low [3] - 112:16, 113:5, 162:9</p>
--	--	---	---	--

<p>lower [9] - 14:14, 43:9, 91:23, 99:11, 110:17, 115:11, 129:15, 205:19, 206:10</p>	<p>117:11, 128:5, 128:17, 129:9, 129:14, 137:21, 211:9 Margin [1] - 112:4 margins [9] - 113:16, 116:23, 128:14, 128:16, 137:18, 162:9, 254:7, 254:9, 254:22 Maria [2] - 7:7, 85:4 MARIA [1] - 5:2 mark [11] - 6:21, 6:22, 7:10, 67:12, 82:19, 82:21, 83:13, 174:12, 192:22, 201:2, 201:3 marked [26] - 5:14, 6:2, 6:24, 7:12, 9:5, 10:1, 54:10, 67:7, 67:17, 67:20, 82:24, 83:2, 83:14, 83:17, 151:23, 160:9, 174:11, 174:14, 192:24, 193:2, 194:1, 194:2, 201:4, 237:5, 250:12, 251:18 marketing [2] - 198:11, 199:15 marks [2] - 85:16, 85:20 married [1] - 178:22 Mary [1] - 197:23 Maryland [7] - 213:4, 213:6, 213:8, 213:19, 214:7, 214:8, 214:12 match [2] - 40:6, 51:20 matches [2] - 51:22, 118:3 matching [2] - 91:10, 143:2 material [8] - 18:17, 74:22, 83:9, 159:3, 159:4, 159:5, 159:12 materially [1] - 91:20 Materials [1] - 3:17 materials [23] - 8:2, 8:12, 9:10, 9:12, 9:13, 9:17, 10:8, 10:22, 23:1, 83:6, 84:2, 84:7, 84:11, 132:15, 145:1, 146:5, 146:10, 157:18, 159:23, 160:1, 160:15, 163:3, 253:9 math [1] - 124:8 matrix [1] - 203:3 matter [9] - 36:24, 55:21, 118:3, 129:25, 170:21, 175:18,</p>	<p>199:18, 220:6 matters [2] - 252:17, 257:14 maturation [3] - 14:4, 98:3, 206:24 mature [4] - 96:20, 150:11, 153:15, 153:16 maximum [2] - 232:12, 233:16 MAXINE [1] - 1:5 Mayer [15] - 3:21, 146:23, 154:18, 154:21, 166:11, 167:14, 169:2, 169:22, 174:2, 189:17, 197:10, 199:22, 202:7, 204:6, 208:11 Mayer's [10] - 152:20, 170:7, 174:18, 191:25, 200:23, 201:2, 201:7, 201:16, 204:14, 206:4 mayer's [1] - 191:25 McLeod [1] - 164:17 mean [28] - 15:21, 16:18, 16:24, 34:12, 45:11, 50:23, 96:6, 99:10, 111:17, 133:3, 137:10, 167:19, 185:11, 185:12, 198:2, 201:18, 203:25, 206:7, 210:14, 210:15, 210:16, 220:13, 220:24, 224:6, 226:7, 238:19, 238:20, 252:1 meaningless [1] - 155:1 means [12] - 16:25, 18:11, 28:6, 55:7, 175:3, 177:16, 185:13, 186:15, 186:21, 196:22, 200:19, 226:10 meant [4] - 48:23, 157:12, 202:5 measure [12] - 37:1, 112:9, 116:9, 116:10, 202:25, 203:1, 203:5, 203:15, 206:17, 240:7, 251:11, 255:3 measured [5] - 166:17, 167:1, 178:15, 208:11, 254:16 measurements [1] - 35:25 measures [3] -</p>	<p>102:18, 106:21, 225:18 measuring [4] - 50:5, 112:6, 112:7, 254:24 meet [1] - 165:24 meeting [1] - 81:17 members [3] - 198:6, 198:21 Members [3] - 1:13, 2:12, 4:4 mention [3] - 61:5, 157:14, 160:8 mentioned [14] - 49:10, 65:22, 74:5, 79:24, 91:5, 93:22, 102:4, 146:17, 162:12, 163:5, 165:5, 215:17, 243:13, 251:5 mentions [1] - 209:24 Mercury [1] - 202:19 met [2] - 164:8, 172:23 method [12] - 36:4, 60:25, 108:20, 194:7, 195:7, 202:8, 202:16, 202:18, 202:24, 204:8, 250:18, 250:19 methodologies [1] - 36:9 methodology [3] - 132:7, 132:9, 202:9 methods [2] - 36:19, 253:1 metric [2] - 34:15, 34:16 metropolitan [2] - 225:10, 225:15 MICHAEL [2] - 1:15, 2:14 Microsoft [1] - 57:1 middle [7] - 46:22, 100:7, 100:8, 123:8, 189:12, 205:6 might [30] - 21:12, 26:5, 26:13, 37:21, 40:3, 48:3, 52:2, 78:24, 79:25, 80:1, 80:12, 80:14, 89:16, 91:18, 96:4, 96:6, 98:17, 98:19, 114:9, 121:24, 124:20, 184:5, 198:13, 199:1, 199:10, 218:16, 235:11, 248:3, 254:10, 254:16 migrant [4] - 224:11, 224:13, 224:14, 224:16 migrants [4] - 226:9,</p>	<p>226:10, 228:1, 231:18 migration [8] - 223:14, 224:4, 224:6, 224:8, 224:17, 229:21, 229:23, 233:9 miles [1] - 198:16 military [1] - 234:23 Milleville [2] - 1:21, 4:8 MILLEVILLE [1] - 257:3 Milwaukee [108] - 1:20, 4:12, 4:24, 5:7, 12:13, 13:11, 16:22, 17:2, 17:3, 17:11, 18:7, 18:25, 19:3, 21:5, 21:8, 22:19, 24:1, 63:4, 66:20, 74:2, 75:20, 88:9, 88:12, 90:22, 92:13, 95:25, 96:5, 96:15, 97:3, 102:7, 103:6, 111:21, 114:24, 115:11, 115:14, 115:24, 117:10, 119:22, 121:13, 122:1, 122:15, 125:23, 128:19, 131:4, 132:2, 132:21, 133:17, 135:7, 136:2, 138:6, 138:19, 138:22, 139:12, 139:14, 141:19, 141:22, 146:8, 147:10, 151:12, 151:20, 152:2, 152:4, 157:8, 181:5, 205:7, 215:11, 215:14, 217:7, 217:12, 218:17, 219:11, 222:14, 223:12, 223:24, 224:18, 224:19, 226:4, 227:19, 228:9, 228:18, 228:25, 229:17, 229:22, 229:24, 230:9, 230:11, 230:17, 230:20, 231:5, 231:12, 231:14, 231:15, 231:19, 232:3, 232:5, 232:9, 232:11, 232:13, 232:17, 232:24, 233:13, 236:17, 236:18, 257:10 mind [4] - 48:21, 61:6, 81:14, 163:9 minded [2] - 222:10, 222:18</p>
---	---	--	--	--

<p>mine [3] - 24:10, 56:12, 186:20</p> <p>minimally [1] - 107:23</p> <p>minimum [3] - 101:23, 187:17, 246:21</p> <p>miniscule [2] - 100:2, 174:23</p> <p>minor [1] - 20:5</p> <p>minority [1] - 103:25</p> <p>minus [7] - 113:23, 114:15, 114:17, 114:18, 126:15, 128:11, 254:17</p> <p>minute [6] - 13:24, 31:15, 83:18, 124:9, 163:13, 209:18</p> <p>minutes [2] - 32:7, 248:17</p> <p>miscommunicating [1] - 165:17</p> <p>misheard [1] - 62:9</p> <p>misjudgments [2] - 50:3, 50:4</p> <p>miss [3] - 166:17, 167:1, 208:11</p> <p>missed [1] - 214:22</p> <p>misspoke [1] - 139:5</p> <p>misunderstanding [1] - 70:3</p> <p>misunderstood [1] - 70:14</p> <p>Mitt [1] - 108:2</p> <p>mixing [2] - 91:10, 140:23</p> <p>mobility [9] - 94:8, 97:23, 98:6, 223:2, 224:4, 225:4, 225:8, 225:10, 225:19</p> <p>Model [13] - 70:13, 71:3, 71:6, 71:7, 71:10, 71:17, 71:19, 72:3, 72:18, 88:4, 97:17, 241:12, 243:22</p> <p>model [24] - 72:6, 87:3, 88:20, 89:19, 94:11, 94:17, 96:13, 96:22, 96:23, 97:6, 235:23, 238:13, 238:15, 239:3, 239:6, 240:14, 241:1, 241:6, 243:14, 243:18, 248:17, 248:21, 249:19</p> <p>Modified [1] - 56:13</p> <p>moment [7] - 26:5, 26:13, 30:21, 99:15, 120:4, 138:7, 147:16</p> <p>money [1] - 16:4</p>	<p>mongrel [1] - 140:19</p> <p>months [3] - 8:25, 108:4, 193:8</p> <p>MOORE [2] - 1:6, 1:10</p> <p>moreover [1] - 196:2</p> <p>morning [11] - 5:22, 5:23, 54:11, 68:4, 68:7, 83:6, 85:6, 87:21, 88:24, 118:24, 236:14</p> <p>Morrison [27] - 3:13, 3:19, 5:22, 5:24, 7:14, 9:6, 32:9, 45:16, 49:6, 54:13, 64:4, 67:19, 67:20, 73:21, 75:4, 83:1, 88:18, 166:7, 184:20, 193:1, 209:20, 212:6, 243:11, 250:9, 253:17, 253:21, 256:8</p> <p>MORRISON [5] - 1:19, 3:3, 4:1, 5:16, 257:12</p> <p>mortality [54] - 82:16, 87:3, 88:6, 88:20, 89:13, 89:18, 90:4, 90:21, 91:14, 91:16, 91:18, 91:19, 92:3, 92:8, 94:10, 94:18, 94:22, 96:22, 96:23, 97:4, 97:5, 97:7, 97:10, 97:14, 97:25, 98:2, 98:11, 98:25, 99:19, 100:1, 100:11, 100:14, 100:18, 100:20, 100:22, 102:18, 103:2, 104:5, 104:7, 120:17, 150:5, 236:24, 239:19, 242:7, 242:9, 242:10, 242:16, 242:18, 245:12, 245:24, 246:18, 247:12, 248:21, 249:4</p> <p>Mortality [6] - 71:19, 82:10, 84:17, 85:8, 88:4, 97:17</p> <p>most [30] - 9:22, 24:15, 35:14, 91:14, 102:4, 119:25, 129:7, 130:2, 139:16, 147:4, 174:19, 174:22, 174:24, 181:11, 189:18, 189:23, 189:25, 190:1, 190:5, 197:6, 200:1, 200:2, 200:4, 200:5, 201:11, 202:2, 225:18, 236:1,</p>	<p>249:1, 251:1</p> <p>mostly [2] - 94:1, 97:15</p> <p>mouse [1] - 56:12</p> <p>mouth [3] - 165:15, 176:2, 202:20</p> <p>move [9] - 17:22, 22:20, 28:21, 69:3, 98:19, 109:17, 128:1, 149:6, 225:12</p> <p>moved [7] - 58:9, 225:25, 226:11, 228:14, 230:12, 234:4</p> <p>movement [3] - 223:18, 224:8, 224:25</p> <p>moves [1] - 98:7</p> <p>moving [30] - 25:21, 58:11, 90:9, 105:21, 118:23, 135:4, 141:18, 142:1, 217:7, 217:8, 217:12, 217:20, 217:23, 218:4, 218:6, 222:9, 224:9, 224:11, 224:15, 225:10, 228:8, 228:10, 228:17, 228:24, 229:6, 229:24, 230:1, 231:9, 231:19, 232:5</p> <p>MR [69] - 6:6, 6:8, 6:11, 6:12, 6:15, 6:19, 7:1, 7:6, 7:10, 19:17, 19:19, 19:21, 32:6, 49:4, 49:11, 49:12, 59:12, 63:21, 63:23, 64:1, 67:1, 67:6, 67:11, 67:15, 67:16, 69:10, 71:15, 73:16, 73:23, 75:7, 83:13, 85:3, 88:14, 125:12, 156:9, 156:10, 156:12, 156:13, 157:25, 158:9, 158:16, 158:19, 158:21, 159:2, 159:5, 159:7, 159:9, 159:11, 159:13, 159:19, 159:22, 166:1, 168:8, 172:25, 173:6, 173:8, 173:12, 174:12, 175:8, 175:24, 181:10, 184:14, 187:9, 192:22, 209:17, 243:8, 250:5, 253:4, 256:6</p> <p>MS [35] - 6:9, 6:13, 6:17, 6:20, 7:4, 7:8, 11:16, 15:19, 19:24, 67:13, 68:10, 69:5, 69:18, 69:20, 73:19,</p>	<p>74:24, 75:3, 75:6, 85:1, 85:10, 134:2, 134:6, 134:9, 136:5, 159:17, 160:7, 174:7, 174:13, 175:6, 175:20, 187:8, 210:10, 245:1, 253:16, 256:7</p> <p>multiple [1] - 116:20</p> <p>multipliers [2] - 31:23, 32:24</p> <p>multiply [1] - 92:16</p> <p>must [2] - 63:13, 64:20</p> <p>mutually [2] - 238:16, 238:19</p>	<p>108:9, 110:19, 112:13</p> <p>naturally [3] - 219:12, 221:5, 221:11</p> <p>nature [2] - 183:13, 252:18</p> <p>near [2] - 183:21, 235:9</p> <p>nearby [1] - 198:14</p> <p>nearly [1] - 183:18</p> <p>necessarily [1] - 150:4</p> <p>necessary [3] - 131:11, 131:14, 176:20</p> <p>need [17] - 6:6, 13:14, 13:19, 17:23, 21:14, 31:15, 39:15, 40:11, 43:18, 46:11, 83:19, 104:4, 131:22, 157:6, 164:22, 218:3, 250:10</p> <p>needed [4] - 48:2, 77:25, 81:21, 130:7</p> <p>needing [1] - 131:12</p> <p>needs [6] - 157:24, 165:25, 172:19, 208:14, 225:23, 243:9</p> <p>negated [1] - 235:16</p> <p>negative [7] - 179:21, 181:1, 185:22, 186:2, 186:3, 186:6, 188:2</p> <p>negatives [8] - 177:6, 177:12, 185:16, 185:20, 186:12, 190:24, 199:15, 199:17</p> <p>neighborhood [1] - 225:11</p> <p>neighborhoods [5] - 219:10, 221:4, 221:13, 221:14, 222:6</p> <p>net [2] - 230:23, 230:24</p> <p>never [6] - 75:15, 158:17, 164:18, 165:9, 208:4, 214:14</p> <p>New [1] - 193:23</p> <p>new [6] - 158:19, 158:21, 158:25, 159:16, 188:23, 233:6</p> <p>newly [2] - 205:15, 206:1</p> <p>next [53] - 10:13, 10:21, 10:24, 10:25, 11:1, 11:3, 13:24, 15:6, 18:13, 22:20, 25:22, 25:23, 28:21, 29:10, 32:25, 40:25, 41:1, 41:12, 42:19,</p>
N				
<p>name [33] - 54:13, 56:17, 65:7, 65:8, 141:1, 164:3, 165:5, 168:1, 171:5, 171:7, 171:12, 171:13, 171:17, 171:20, 171:25, 172:1, 172:24, 173:2, 178:21, 178:23, 186:3, 186:5, 186:11, 187:11, 195:10, 197:22, 197:23, 203:16, 212:12, 212:16, 213:10, 213:13, 213:15</p> <p>named [4] - 75:9, 192:4, 212:23, 257:11</p> <p>names [27] - 38:24, 56:24, 168:17, 168:23, 168:24, 169:2, 169:3, 169:12, 169:13, 171:18, 173:7, 174:22, 175:1, 175:13, 175:14, 175:16, 175:22, 181:22, 187:14, 187:23, 187:24, 189:23, 191:21, 203:19, 203:24</p> <p>nation [3] - 102:11, 103:3, 191:6</p> <p>national [3] - 107:2, 167:24, 224:2</p> <p>National [4] - 95:17, 95:19, 103:11, 236:25</p> <p>nationwide [1] - 95:12</p> <p>Native [3] - 108:9, 110:19, 112:13</p> <p>natural [1] - 218:11</p> <p>Naturalized [3] -</p>				

<p>42:21, 46:2, 48:14, 55:15, 75:18, 77:12, 78:5, 81:5, 81:13, 82:9, 99:11, 104:11, 105:21, 106:2, 109:6, 112:21, 114:23, 117:14, 118:13, 118:23, 128:1, 128:2, 135:4, 135:9, 137:2, 147:25, 149:6, 179:24, 194:21, 195:22, 235:16</p> <p>NICHOL [2] - 1:15, 2:14</p> <p>Nin [2] - 173:11, 173:16</p> <p>NIN [1] - 173:11</p> <p>Non [2] - 22:3, 75:19</p> <p>non [69] - 12:15, 19:16, 20:8, 21:3, 22:8, 40:22, 82:17, 87:16, 92:2, 92:3, 92:14, 92:15, 92:16, 93:8, 93:9, 93:17, 94:1, 96:4, 97:8, 97:15, 98:12, 98:17, 98:18, 99:25, 103:23, 126:17, 127:18, 127:21, 146:24, 148:9, 148:17, 149:1, 149:5, 149:11, 149:16, 149:23, 150:2, 150:10, 151:1, 153:15, 153:22, 154:11, 155:1, 176:25, 179:25, 180:11, 181:17, 181:22, 185:24, 186:6, 200:5, 204:1, 206:23, 207:1, 216:4, 216:22, 216:24, 216:25, 217:8, 218:6, 218:10, 218:19, 229:18, 236:5, 238:23, 239:2, 241:16, 242:3</p> <p>non-citizen [2] - 127:18, 127:21</p> <p>non-citizens [4] - 12:15, 126:17, 206:23, 207:1</p> <p>Non-H [1] - 75:19</p> <p>non-Hispanic [39] - 19:16, 20:8, 21:3, 22:8, 87:16, 92:2, 92:3, 92:14, 92:15, 92:16, 93:9, 93:17, 94:1, 96:4, 97:8, 97:15, 98:12, 98:17, 98:18, 99:25, 103:23,</p>	<p>148:17, 149:1, 149:5, 149:11, 150:2, 151:1, 153:15, 154:11, 155:1, 185:24, 186:6, 200:5, 216:22, 216:24, 216:25, 229:18, 239:2, 241:16</p> <p>Non-Hispanic [1] - 22:3</p> <p>non-Hispanics [18] - 82:17, 93:8, 93:9, 146:24, 148:9, 149:16, 149:23, 150:10, 153:22, 204:1, 216:4, 217:8, 218:6, 218:10, 218:19, 236:5, 238:23, 242:3</p> <p>non-Spanish [4] - 179:25, 180:11, 181:17, 181:22</p> <p>non-SSNs [1] - 176:25</p> <p>non-urban [1] - 40:22</p> <p>none [6] - 58:22, 72:8, 116:20, 163:4, 206:23, 240:2</p> <p>nonetheless [1] - 116:13</p> <p>North [4] - 4:11, 4:23, 5:6, 257:9</p> <p>north [1] - 182:12</p> <p>Nos [1] - 3:22</p> <p>notarial [1] - 258:3</p> <p>Notary [3] - 4:9, 257:4, 258:6</p> <p>notation [10] - 10:25, 16:24, 19:11, 19:12, 19:15, 20:2, 35:5, 73:15, 131:23, 248:13</p> <p>notations [8] - 16:21, 27:8, 30:5, 61:15, 78:8, 85:9, 248:2, 248:11</p> <p>note [9] - 72:11, 103:12, 112:2, 112:3, 145:1, 149:22, 174:7, 199:11, 207:16</p> <p>noted [3] - 86:13, 205:5, 205:7</p> <p>notes [5] - 10:6, 10:23, 85:24, 88:24, 123:17</p> <p>noteworthy [1] - 149:20</p> <p>nothing [8] - 72:22, 97:6, 103:9, 160:13, 160:20, 175:3, 235:6, 257:13</p>	<p>notice [3] - 98:25, 114:1, 133:15</p> <p>noticed [4] - 11:13, 27:22, 91:5, 176:15</p> <p>noticing [1] - 154:4</p> <p>noting [1] - 24:13</p> <p>November [11] - 76:2, 76:21, 78:15, 150:18, 151:6, 156:5, 156:16, 244:22, 245:19, 249:14, 249:19</p> <p>number [177] - 13:9, 20:10, 20:18, 20:20, 20:25, 21:25, 22:3, 22:4, 22:17, 22:22, 22:23, 24:22, 26:20, 29:13, 34:1, 34:17, 34:24, 35:11, 41:9, 44:4, 44:7, 44:8, 44:15, 46:13, 47:4, 49:18, 49:24, 49:25, 51:8, 51:9, 51:20, 51:25, 53:2, 53:14, 53:16, 53:17, 57:4, 57:5, 57:8, 57:9, 57:10, 57:17, 57:23, 58:9, 60:1, 60:12, 60:16, 61:14, 61:16, 62:11, 62:17, 64:5, 64:8, 64:9, 64:11, 64:18, 65:18, 65:22, 65:25, 66:4, 68:14, 68:16, 68:18, 81:9, 84:22, 85:21, 86:16, 88:11, 90:1, 91:1, 91:2, 92:24, 92:25, 107:7, 108:10, 108:11, 108:15, 108:16, 108:24, 108:25, 109:1, 109:3, 110:20, 111:4, 111:16, 111:23, 111:25, 112:1, 112:15, 112:18, 112:19, 113:2, 113:4, 113:13, 113:20, 113:25, 114:12, 115:9, 121:8, 121:22, 122:2, 122:4, 122:10, 122:17, 122:22, 122:25, 123:6, 123:9, 125:3, 126:1, 126:4, 126:18, 127:6, 127:7, 127:25, 128:21, 129:5, 133:25, 135:14, 138:21, 139:24, 140:16, 140:19, 141:4, 141:7, 141:8, 142:16,</p>	<p>142:19, 142:20, 143:10, 143:15, 143:20, 148:3, 176:22, 180:3, 181:17, 182:8, 183:6, 196:17, 203:8, 203:17, 204:22, 208:21, 215:3, 215:6, 215:11, 215:18, 216:17, 217:3, 217:15, 217:18, 218:10, 221:8, 227:3, 227:4, 227:8, 227:12, 231:1, 232:2, 232:10, 232:13, 232:16, 234:23, 240:24, 240:25, 241:16, 244:5, 244:14, 244:17, 246:6, 248:10, 255:13</p> <p>Number [2] - 84:13, 151:24</p> <p>numbering [1] - 10:4</p> <p>numbers [118] - 13:18, 20:14, 22:6, 22:15, 23:20, 25:1, 26:4, 26:10, 26:21, 27:19, 27:22, 27:23, 27:24, 28:18, 29:5, 29:7, 30:4, 30:9, 31:1, 31:8, 31:24, 32:23, 33:1, 33:5, 44:12, 46:2, 46:3, 47:11, 47:13, 47:24, 48:8, 48:9, 48:11, 48:13, 48:17, 48:18, 48:22, 49:5, 49:7, 49:23, 50:4, 50:8, 50:10, 50:12, 50:16, 50:17, 50:19, 50:20, 50:21, 53:3, 57:13, 57:14, 57:22, 59:8, 59:15, 60:5, 60:6, 60:7, 60:18, 60:19, 64:19, 86:19, 88:6, 90:22, 92:4, 94:21, 95:8, 95:21, 99:22, 101:1, 106:12, 113:3, 119:20, 120:19, 124:12, 126:15, 126:23, 129:17, 132:8, 133:8, 133:9, 137:19, 138:11, 138:25, 139:3, 139:11, 140:10, 140:22, 141:20, 142:5, 142:9, 144:8, 149:14, 152:12, 155:9, 182:23, 203:21, 206:19, 209:21, 216:10,</p>	<p>217:11, 218:5, 219:21, 219:23, 221:1, 226:16, 227:11, 227:14, 228:7, 236:20, 242:20, 244:15, 247:17, 249:5</p> <p>numerical [1] - 94:19</p>
				<p>O</p> <p>oath [2] - 5:18, 257:16</p> <p>object [1] - 253:5</p> <p>objection [8] - 168:8, 172:25, 173:12, 175:6, 175:9, 175:20, 181:10, 210:10</p> <p>objections [1] - 175:25</p> <p>observation [1] - 20:10</p> <p>observed [6] - 19:15, 24:12, 153:12, 153:23, 154:1, 211:17</p> <p>observes [1] - 154:15</p> <p>obtain [3] - 25:16, 76:6, 169:5</p> <p>obtained [6] - 15:15, 16:3, 26:1, 55:2, 76:3, 125:20</p> <p>obvious [1] - 190:21</p> <p>obviously [1] - 239:13</p> <p>occasionally [1] - 161:18</p> <p>occurring [14] - 174:19, 174:22, 189:18, 189:20, 189:23, 190:2, 194:24, 195:1, 197:6, 201:12, 202:3, 219:12, 221:5, 221:11</p> <p>October [1] - 103:13</p> <p>odd [1] - 173:18</p> <p>OF [6] - 1:1, 4:23, 5:3, 257:1, 257:2</p> <p>offering [1] - 57:11</p> <p>offers [1] - 77:20</p> <p>offhand [1] - 181:2</p> <p>OFFICE [1] - 4:23</p> <p>offices [1] - 4:10</p> <p>official [10] - 1:14, 2:13, 55:6, 55:7, 55:11, 55:12, 55:22, 55:23, 56:3, 87:14</p> <p>officially [1] - 129:24</p> <p>old [2] - 207:9,</p>

<p>238:25 Old [1] - 193:24 Older [2] - 46:23, 128:10 older [18] - 62:21, 90:18, 90:19, 91:23, 94:1, 97:15, 106:9, 119:21, 120:6, 120:11, 120:13, 123:5, 135:10, 149:21, 149:24, 206:25, 238:25, 241:15 olds [4] - 99:23, 241:24, 241:25 OLGA [1] - 2:9 once [5] - 14:25, 16:7, 107:5, 165:11, 170:23 one [230] - 6:7, 6:11, 10:24, 10:25, 11:10, 11:20, 15:19, 16:22, 20:8, 23:8, 23:13, 23:17, 26:2, 29:18, 30:1, 31:7, 31:10, 31:13, 32:5, 35:1, 35:4, 35:6, 36:18, 36:19, 36:23, 38:9, 38:11, 38:12, 39:5, 41:7, 42:19, 47:11, 48:7, 48:25, 49:1, 49:19, 51:13, 55:8, 56:17, 56:25, 57:22, 58:9, 58:10, 59:5, 64:7, 67:14, 68:18, 69:18, 69:19, 69:21, 69:23, 70:12, 71:7, 71:8, 71:11, 71:18, 72:25, 73:8, 73:11, 73:13, 73:16, 75:18, 78:18, 79:1, 79:4, 80:25, 81:17, 83:13, 84:5, 84:21, 84:23, 85:13, 85:16, 89:3, 90:2, 90:9, 95:15, 96:7, 98:6, 98:14, 98:15, 99:7, 100:12, 103:22, 104:5, 104:6, 104:8, 106:2, 106:6, 106:21, 109:25, 110:4, 110:12, 111:5, 111:22, 116:13, 121:1, 121:5, 121:9, 122:5, 124:15, 125:14, 127:9, 128:2, 128:22, 129:4, 129:5, 130:8, 130:9, 134:13, 136:1, 136:7, 136:10, 136:16, 136:17, 136:25, 137:2,</p>	<p>138:17, 139:16, 140:4, 141:11, 141:12, 143:8, 146:4, 148:6, 149:2, 153:10, 153:24, 154:4, 154:12, 154:15, 155:8, 155:9, 156:3, 161:7, 163:11, 164:22, 165:12, 169:17, 170:21, 172:9, 172:17, 177:10, 181:20, 182:24, 182:25, 183:1, 189:3, 189:6, 189:10, 190:2, 190:3, 190:11, 190:17, 190:25, 191:6, 193:10, 193:19, 198:2, 198:12, 199:14, 199:24, 200:22, 201:11, 202:24, 205:3, 205:20, 205:22, 206:20, 206:22, 207:14, 208:4, 208:5, 208:14, 209:10, 213:16, 213:25, 214:20, 215:6, 216:7, 216:9, 216:19, 221:10, 222:11, 222:25, 223:14, 223:17, 225:9, 225:11, 225:23, 225:24, 227:6, 227:12, 233:23, 234:25, 236:9, 236:11, 236:13, 237:6, 237:19, 238:3, 239:24, 240:20, 241:22, 241:25, 242:17, 243:7, 243:21, 244:4, 245:21, 245:25, 246:10, 246:11, 246:12, 246:14, 247:7, 247:10, 247:11, 248:3, 250:22, 250:23, 253:21, 254:13, 255:7, 255:18 One [3] - 4:20, 20:16, 21:24 one-page [1] - 73:13 one-race [1] - 20:8 one-way [1] - 164:22 one-year [8] - 110:12, 111:5, 124:15, 128:22, 129:5, 136:7, 139:16, 140:4</p>	<p>ones [10] - 33:25, 91:15, 104:12, 124:19, 140:6, 189:20, 189:24, 191:6, 230:14, 230:15 ongoing [3] - 94:5, 94:12, 97:20 onward [1] - 100:21 open [3] - 71:10, 74:15, 87:19 opened [1] - 88:2 opinion [6] - 190:8, 212:1, 233:12, 249:5, 249:23, 250:2 opinions [10] - 92:9, 109:24, 115:2, 213:4, 252:10, 252:20, 252:21, 252:23, 253:8, 253:13 opportunity [1] - 178:4 opposed [6] - 66:16, 169:3, 169:13, 175:16, 188:5, 217:23 opposite [1] - 184:3 orange [1] - 140:25 order [7] - 14:4, 25:17, 68:11, 81:20, 137:2, 176:8, 233:25 oriented [1] - 200:9 Origin [5] - 76:20, 87:9, 87:20, 89:6, 237:10 origin [11] - 76:1, 167:24, 172:6, 172:12, 173:25, 185:8, 187:25, 189:1, 194:9, 195:19 original [7] - 3:22, 3:23, 3:24, 46:11, 92:25, 189:10, 189:13 originally [2] - 52:7, 70:22 Orosco [1] - 175:13 otherwise [4] - 28:23, 158:13, 159:1, 174:9 ought [2] - 191:6, 204:11 out-migration [1] - 229:23 outbound [1] - 233:9 outcome [2] - 239:7, 239:8 output [1] - 248:22 outside [12] - 10:7, 25:9, 33:10, 34:22, 38:4, 96:16, 174:1, 211:18, 220:25, 221:15, 229:19,</p>	<p>230:12 overall [4] - 91:19, 111:12, 188:1, 232:24 overlap [3] - 9:18, 9:21, 21:17 overlay [1] - 25:5 overview [2] - 23:13, 23:16 overwhelming [1] - 154:24 own [3] - 45:9, 109:23, 162:18 Ozaukee [2] - 181:20, 181:24</p>	<p>80:18, 81:5, 81:18, 82:9, 82:12, 82:13, 85:7, 88:23, 109:6, 111:23, 114:23, 117:3, 117:14, 118:13, 119:8, 119:10, 122:7, 123:12, 125:9, 125:14, 126:1, 134:6, 134:7, 134:18, 135:9, 136:20, 136:25, 147:9, 147:25, 150:12, 150:13, 151:21, 152:4, 152:10, 152:22, 155:3, 174:6, 242:17, 247:3 pages [12] - 22:23, 64:7, 66:2, 67:5, 69:7, 81:8, 118:6, 125:4, 132:20, 137:3, 142:13 Pages [1] - 3:2 Palou [2] - 171:5, 171:7 PALOU [2] - 171:5, 171:7 panel [1] - 214:9 paper [28] - 22:24, 23:8, 35:3, 47:20, 71:14, 71:23, 74:19, 75:17, 77:13, 85:11, 87:21, 88:7, 110:16, 118:25, 125:4, 134:9, 136:5, 146:12, 178:13, 180:22, 181:4, 186:24, 187:5, 189:3, 194:7, 195:5, 197:4, 248:9 papers [4] - 125:2, 172:17, 189:2, 247:15 paragraph [10] - 184:13, 194:21, 194:22, 195:23, 196:13, 214:25, 230:3, 232:21, 232:22, 232:23 Paragraph [48] - 93:25, 97:10, 97:19, 98:11, 174:17, 176:14, 176:15, 184:25, 201:6, 204:12, 205:5, 205:7, 214:23, 215:19, 217:6, 218:20, 218:21, 219:7, 221:19, 222:25, 223:2, 223:6, 223:8, 223:9, 225:16, 226:2, 230:24, 231:7, 232:4, 232:8, 232:19,</p>
P				
<p>p.m [3] - 56:13, 125:14, 256:9 P1 [6] - 122:6, 122:8, 122:23, 133:14, 133:22, 134:11 P12H [14] - 91:3, 119:11, 121:2, 121:4, 121:8, 121:15, 121:22, 123:12, 123:21, 125:6, 134:19, 135:15, 148:5, 148:15 P23 [1] - 77:16 PAA [1] - 81:14 package [1] - 203:9 Page [23] - 46:18, 46:19, 68:2, 87:10, 88:7, 93:25, 102:12, 130:10, 148:1, 151:15, 152:10, 152:21, 154:2, 155:3, 194:2, 194:3, 195:14, 196:11, 201:23, 202:15, 226:19, 247:3 page [96] - 7:22, 10:5, 10:6, 11:17, 11:18, 11:25, 13:24, 14:14, 18:13, 22:22, 23:23, 24:16, 25:6, 25:22, 25:23, 27:16, 27:24, 28:10, 28:15, 28:21, 28:24, 29:10, 29:19, 30:7, 32:18, 33:13, 43:8, 45:3, 45:17, 45:18, 46:7, 46:10, 47:6, 47:9, 47:13, 49:7, 52:25, 53:10, 60:14, 65:4, 65:13, 65:19, 65:22, 65:24, 67:14, 68:13, 69:11, 72:12, 73:13, 77:12, 77:22, 78:3, 78:5, 78:11, 80:17,</p>				

<p>232:21, 233:11, 234:6, 234:12, 236:3, 238:9, 238:12, 240:17, 243:12, 244:8, 245:1, 245:2, 246:25, 247:4, 248:15 paragraphs [7] - 7:24, 8:3, 8:6, 8:9, 8:13, 8:19, 205:4 parameter [1] - 181:3 parameters [8] - 105:9, 176:21, 177:25, 183:21, 184:6, 191:1, 191:4, 199:13 pardon [1] - 172:14 parenthesis [1] - 174:18 part [24] - 9:22, 13:21, 22:10, 33:9, 33:10, 40:3, 93:21, 94:15, 97:5, 98:20, 99:7, 117:21, 125:24, 126:13, 127:21, 132:14, 149:25, 151:3, 151:21, 165:18, 212:17, 221:14, 234:20, 235:1 participated [1] - 212:6 participating [3] - 211:18, 211:24, 212:3 Participation [1] - 146:7 participation [2] - 155:4, 211:15 particular [35] - 14:15, 17:4, 18:2, 22:11, 25:6, 27:9, 28:8, 39:24, 48:6, 66:12, 76:17, 77:22, 87:3, 95:20, 96:12, 97:5, 104:24, 109:23, 110:20, 115:3, 115:4, 147:20, 161:19, 181:13, 187:6, 203:7, 209:13, 220:10, 222:6, 240:16, 242:8, 245:16, 245:20, 245:23, 245:24 parties [2] - 257:22, 257:25 partly [3] - 25:4, 60:21, 66:24 parts [1] - 228:8 pass [1] - 195:2 passed [1] - 165:2 Passel [3] - 180:21, 189:4, 191:10 passing [1] - 94:2</p>	<p>past [1] - 222:13 patience [1] - 178:11 Patrick [1] - 23:4 patterns [1] - 224:17 PAUL [1] - 2:4 pay [2] - 16:4, 16:6 paying [1] - 213:22 PCT12 [1] - 91:4 pending [1] - 4:5 people [55] - 40:11, 96:9, 96:19, 104:3, 161:14, 161:17, 162:12, 163:15, 167:11, 167:24, 171:4, 171:13, 177:18, 178:18, 179:4, 179:14, 180:3, 181:8, 181:21, 185:19, 187:2, 187:14, 187:24, 189:1, 189:10, 189:19, 203:16, 209:20, 210:8, 211:2, 211:6, 211:10, 217:14, 217:17, 217:19, 217:22, 218:4, 218:8, 218:16, 226:11, 229:14, 229:15, 229:16, 230:6, 231:4, 233:7, 238:24, 238:25, 240:7, 240:10, 242:12, 242:14, 255:18 per [6] - 95:3, 120:7, 236:11, 246:22, 247:2, 247:6 percent [147] - 29:25, 30:1, 30:2, 30:3, 34:9, 34:16, 34:18, 34:20, 34:25, 35:19, 35:23, 35:24, 37:3, 37:4, 37:5, 40:8, 40:9, 42:5, 43:4, 43:12, 44:15, 44:16, 47:4, 47:9, 49:24, 57:15, 58:23, 60:24, 61:1, 68:24, 85:21, 86:22, 88:12, 90:12, 92:2, 92:3, 93:12, 93:14, 93:16, 93:17, 104:1, 109:21, 110:18, 110:22, 111:2, 111:4, 111:9, 111:11, 112:17, 113:12, 114:2, 114:7, 114:11, 114:14, 115:18, 115:20, 115:21, 116:10, 116:11, 117:5, 117:6, 117:8, 117:10,</p>	<p>122:14, 122:18, 128:25, 129:10, 129:25, 130:3, 134:24, 137:5, 138:17, 138:21, 149:15, 149:17, 149:18, 151:7, 177:13, 177:14, 177:16, 177:18, 177:22, 177:25, 179:4, 180:5, 180:7, 180:8, 181:13, 181:15, 182:4, 182:5, 182:6, 182:7, 182:14, 182:15, 182:25, 183:1, 183:2, 183:10, 183:11, 183:19, 183:20, 183:23, 183:25, 184:1, 184:4, 184:5, 184:8, 184:9, 184:10, 196:1, 196:3, 200:15, 200:20, 204:18, 204:22, 204:23, 214:25, 215:18, 216:3, 216:17, 217:2, 232:12, 233:14, 233:15, 233:22, 234:3, 234:25, 236:5, 236:6, 240:24, 241:17, 242:4, 243:12, 244:10, 244:14, 244:20, 244:23, 245:3, 246:22, 254:17, 255:20 Percent [8] - 46:25, 48:24, 48:25, 49:15, 49:16, 49:17, 138:13, 150:13 percent/13 [1] - 37:5 percent/15 [1] - 35:18 percent/20 [1] - 37:4 percent/85 [1] - 37:3 Percentage [2] - 59:21, 152:11 percentage [61] - 86:21, 87:17, 95:2, 108:1, 108:5, 108:6, 110:24, 111:8, 113:24, 114:8, 114:15, 115:14, 124:7, 128:25, 131:6, 137:22, 141:14, 144:5, 149:12, 151:16, 154:3, 154:6, 154:7, 154:8, 154:10, 155:11, 167:25, 168:2, 178:15,</p>	<p>180:25, 181:2, 181:7, 182:19, 187:6, 187:13, 187:19, 187:23, 188:1, 202:25, 205:1, 206:5, 206:13, 206:21, 207:3, 215:25, 216:1, 232:23, 233:21, 233:23, 233:25, 240:20, 246:12, 246:15, 246:18, 247:2, 247:6, 250:14, 254:17 percentages [7] - 86:20, 86:25, 143:24, 143:25, 152:13, 183:18, 249:6 PEREZ [1] - 2:9 perfect [1] - 61:12 perfectly [1] - 40:6 perform [8] - 42:13, 76:12, 77:4, 78:19, 79:10, 135:5, 147:3, 232:25 performance [1] - 190:5 performed [13] - 41:19, 42:11, 76:14, 86:9, 146:17, 146:20, 147:7, 151:19, 203:10, 207:21, 208:1, 208:5, 211:19 performing [1] - 208:12 perhaps [11] - 25:25, 48:16, 52:9, 52:19, 52:21, 100:17, 116:8, 156:7, 178:3, 198:19, 224:22 period [15] - 93:20, 95:3, 95:4, 106:22, 107:11, 110:8, 110:22, 111:2, 115:12, 115:17, 116:7, 116:15, 225:17, 227:4, 227:5 Perkins [19] - 177:8, 178:13, 179:11, 180:10, 180:15, 181:4, 183:5, 184:1, 184:6, 189:6, 192:4, 192:6, 192:8, 192:18, 193:16, 193:18, 195:5, 197:4, 202:1 Perkins' [1] - 180:2 perpetuating [1] - 222:17 person [31] - 16:6, 23:12, 26:24, 29:3, 75:9, 98:12, 160:25,</p>	<p>161:4, 161:13, 161:14, 161:25, 162:1, 162:4, 162:13, 165:3, 165:4, 165:10, 168:14, 172:23, 178:21, 178:24, 185:14, 191:15, 192:13, 197:15, 199:15, 224:13, 224:14, 257:11 personally [2] - 189:8, 192:21 persons [31] - 14:5, 20:6, 20:8, 169:6, 172:5, 172:11, 173:24, 178:12, 178:14, 178:15, 179:8, 179:10, 179:13, 179:15, 182:1, 182:2, 185:8, 195:19, 198:1, 198:20, 198:25, 199:2, 200:12, 200:17, 201:13, 207:1, 210:4, 210:19, 238:21, 238:23 perspective [1] - 45:1 pertain [8] - 12:6, 28:17, 28:18, 30:20, 47:11, 66:12, 95:22, 102:7 pertaining [6] - 16:14, 17:11, 19:2, 78:14, 83:9, 84:2 pertains [6] - 27:11, 27:14, 111:10, 155:5, 204:23, 231:23 pertinent [1] - 245:19 Peter [1] - 6:6 PETER [7] - 1:19, 3:3, 4:1, 4:22, 4:23, 5:16, 257:12 PETRI [1] - 2:4 Ph.D [5] - 1:19, 3:3, 4:1, 5:16, 257:12 phenomenal [1] - 217:18 phone [4] - 31:16, 165:10, 165:11, 165:13 photocopied [1] - 9:17 photocopy [1] - 10:6 physically [1] - 96:6 pick [3] - 17:1, 126:12, 190:2 picked [1] - 192:10 picking [2] - 126:11,</p>
---	--	---	---	--

<p>191:21 picture [1] - 161:1 piece [14] - 21:10, 39:17, 40:2, 40:13, 58:8, 71:14, 71:23, 74:19, 117:18, 117:19, 117:25, 121:15, 199:7, 248:8 pieces [3] - 17:6, 107:23, 133:5 pile [1] - 134:3 PL [4] - 11:5, 18:15, 18:23, 122:6 place [8] - 61:22, 61:23, 62:1, 117:19, 138:8, 138:9, 215:9, 248:6 places [2] - 52:4, 138:17 plain [1] - 114:6 plaintiff [1] - 212:23 Plaintiffs [7] - 1:9, 1:11, 2:10, 4:3, 4:4, 4:21, 4:24 plaintiffs [4] - 212:14, 212:15, 213:9, 213:16 plan [2] - 212:1, 213:19 planet [1] - 229:15 plausible [2] - 31:8, 47:24 play [1] - 46:13 plenty [1] - 170:16 plugged [2] - 101:1, 101:4 Plus [1] - 112:13 plus [10] - 14:16, 113:23, 114:15, 114:17, 114:18, 123:18, 128:10, 176:24, 180:6, 254:17 point [35] - 53:5, 95:2, 107:9, 115:20, 116:2, 118:19, 129:13, 131:10, 132:24, 135:20, 145:19, 149:20, 152:19, 154:3, 154:11, 170:4, 183:15, 183:16, 183:17, 193:8, 206:15, 232:23, 233:21, 233:23, 235:8, 240:20, 245:20, 246:12, 246:15, 247:19, 248:8, 249:24, 250:13, 250:17 pointed [3] - 45:15,</p>	<p>166:22, 230:2 pointing [2] - 126:20, 206:19 points [13] - 13:15, 113:24, 114:16, 154:6, 154:7, 154:8, 154:20, 157:13, 233:25, 247:2, 247:6, 254:17 POLAND [36] - 4:19, 6:6, 6:12, 6:15, 7:6, 7:10, 19:19, 32:6, 49:11, 59:12, 63:23, 64:1, 67:11, 67:15, 69:10, 73:23, 75:7, 83:13, 85:3, 88:14, 156:10, 156:13, 158:9, 158:21, 159:9, 159:13, 159:19, 166:1, 174:12, 187:9, 192:22, 209:17, 243:8, 250:5, 253:4, 256:6 Poland [7] - 3:4, 3:25, 5:21, 10:19, 74:25, 184:19, 253:20 polarized [11] - 166:13, 166:25, 200:25, 201:8, 207:21, 208:12, 208:17, 208:23, 209:7, 209:12, 209:15 Polish [1] - 222:12 political [2] - 210:15, 210:20 poor [1] - 29:8 poorer [1] - 35:7 Pop [3] - 71:9, 132:21, 134:16 popular [1] - 114:15 populated [3] - 37:15, 40:24 Population [17] - 46:23, 49:16, 63:8, 72:13, 125:23, 135:5, 138:12, 138:20, 139:22, 140:14, 141:19, 149:3, 149:4, 150:14, 151:24, 152:11, 152:23 population [226] - 11:3, 12:14, 14:17, 18:6, 18:11, 18:25, 19:4, 19:6, 20:4, 21:21, 22:16, 22:18, 22:19, 29:24, 30:23, 30:24, 33:7, 34:13, 34:14, 37:9, 37:20, 40:1, 40:12, 41:22, 49:1, 49:3, 50:13,</p>	<p>51:5, 51:13, 51:14, 51:15, 51:20, 53:4, 53:12, 55:12, 56:3, 58:3, 59:1, 59:2, 59:4, 59:8, 59:15, 59:23, 60:13, 60:17, 60:24, 61:2, 62:4, 62:20, 65:15, 74:1, 82:15, 91:20, 92:21, 93:11, 93:12, 93:13, 93:15, 93:20, 94:4, 94:6, 94:13, 95:22, 97:2, 97:9, 97:13, 97:21, 97:24, 98:2, 98:3, 101:14, 102:17, 102:18, 102:22, 103:22, 103:24, 103:25, 104:1, 104:2, 104:4, 104:7, 106:22, 109:13, 109:15, 109:18, 109:21, 110:21, 111:12, 113:14, 115:18, 116:4, 116:5, 116:7, 117:9, 117:20, 118:21, 119:21, 120:2, 120:6, 120:7, 120:8, 120:11, 120:12, 120:13, 120:16, 121:16, 121:17, 122:1, 122:20, 123:8, 123:16, 124:2, 124:5, 124:12, 125:21, 126:6, 127:22, 128:19, 130:1, 131:7, 134:17, 134:25, 135:9, 136:24, 137:4, 137:12, 137:13, 140:8, 140:9, 140:12, 140:17, 140:18, 141:10, 142:4, 143:4, 143:5, 143:9, 144:17, 144:21, 144:24, 147:10, 147:25, 148:14, 148:16, 148:18, 148:19, 148:25, 149:1, 149:11, 149:16, 149:18, 149:19, 150:3, 150:18, 150:22, 150:25, 151:3, 151:6, 151:8, 152:3, 153:9, 153:12, 153:15, 153:21, 154:16, 157:7, 157:14, 167:21, 167:23, 168:6, 169:11, 171:4, 171:14, 172:21, 176:8, 180:12, 181:7,</p>	<p>181:24, 182:15, 182:20, 183:7, 194:9, 196:1, 200:16, 204:19, 206:7, 206:12, 206:14, 207:5, 207:8, 215:23, 215:24, 216:25, 217:1, 219:19, 220:2, 224:8, 224:25, 226:1, 230:21, 232:10, 232:25, 233:2, 233:4, 233:13, 234:14, 235:1, 237:20, 237:23, 240:19, 241:14, 241:21, 241:22, 242:1, 242:5, 242:24, 243:5, 244:10, 254:16 populations [8] - 30:16, 32:4, 92:18, 100:6, 101:12, 103:16, 104:10, 153:5 portion [21] - 12:11, 13:6, 29:21, 32:17, 35:13, 35:15, 35:21, 35:22, 37:16, 37:17, 45:5, 46:10, 49:10, 62:18, 65:21, 67:24, 68:3, 76:10, 89:18, 97:2, 153:1 portions [2] - 38:3, 38:4 posed [1] - 83:22 position [4] - 129:23, 170:5, 170:9, 170:13 positive [5] - 179:2, 179:3, 186:1, 186:7, 188:2 positives [8] - 177:5, 177:11, 185:16, 185:19, 185:22, 190:23, 199:14, 199:17 possession [1] - 8:22 possibility [2] - 218:9, 224:24 possible [16] - 40:10, 42:3, 42:4, 78:22, 112:9, 117:2, 129:9, 162:8, 171:10, 171:11, 221:3, 222:24, 249:21, 251:10, 251:11 Possible [1] - 114:3 possibly [10] - 39:18, 39:20, 53:8, 165:17, 174:24, 187:16, 204:2, 218:13, 235:7, 248:1</p>	<p>potentially [2] - 80:8, 96:3 practical [1] - 256:5 practice [8] - 157:21, 158:18, 158:20, 250:20, 250:21, 250:25, 251:3, 252:12 pre [1] - 86:5 preceded [1] - 145:21 precedes [2] - 35:6, 242:16 preceding [4] - 123:12, 134:18, 245:12, 245:25 Precinct [1] - 203:19 precinct [18] - 166:18, 167:3, 169:8, 169:9, 176:17, 177:23, 181:13, 182:4, 182:6, 183:10, 183:11, 199:1, 199:25, 200:6, 201:14, 203:1, 203:2, 203:23 precincts [4] - 183:13, 200:2, 200:4, 203:4 precise [7] - 41:21, 107:22, 111:7, 113:1, 140:16, 217:21, 225:18 precisely [2] - 114:13, 127:7 precision [2] - 107:23, 225:24 predominantly [3] - 237:14, 238:2, 238:5 preferably [1] - 105:6 preferred [1] - 198:24 preliminary [8] - 30:22, 31:7, 31:12, 47:15, 47:17, 47:19, 57:22, 57:25 premised [1] - 253:1 prepared [7] - 23:12, 145:2, 145:16, 208:9, 208:17, 208:18, 209:14 preparing [1] - 77:9 presence [1] - 21:19 present [2] - 5:9, 98:23 presentation [1] - 81:16 presented [3] - 195:16, 208:4, 208:16 presidential [1] - 81:19</p>
--	---	---	--	---

<p>pretty [6] - 43:8, 103:6, 133:1, 159:21, 219:2, 220:17</p> <p>prevented [1] - 102:21</p> <p>previous [4] - 14:11, 27:16, 205:2, 233:12</p> <p>previously [6] - 8:14, 14:22, 82:19, 185:1, 207:16, 207:18</p> <p>primarily [1] - 16:20</p> <p>primary [1] - 163:2</p> <p>principles [1] - 39:23</p> <p>print [6] - 29:7, 117:21, 117:23, 119:9, 148:23, 226:22</p> <p>printed [13] - 10:23, 12:12, 17:16, 29:5, 65:13, 77:15, 77:23, 85:7, 106:11, 115:8, 124:23, 132:14, 243:21</p> <p>printer [1] - 29:6</p> <p>printing [2] - 29:9, 125:12</p> <p>printout [34] - 11:5, 11:14, 12:3, 18:17, 23:9, 27:17, 29:2, 29:4, 35:7, 35:8, 65:21, 67:24, 72:1, 75:23, 75:24, 77:19, 78:5, 78:10, 78:12, 79:13, 88:3, 88:19, 88:21, 89:2, 104:13, 106:6, 109:6, 118:11, 118:13, 118:17, 121:18, 142:11, 148:20, 187:4</p> <p>printouts [5] - 23:3, 119:1, 120:20, 137:24, 248:11</p> <p>prison [4] - 96:9, 96:16, 96:17, 98:21</p> <p>probabilities [1] - 235:22</p> <p>probability [6] - 172:7, 235:19, 251:23, 252:2, 252:7, 252:12</p> <p>probable [6] - 185:8, 186:13, 186:15, 186:18, 187:1</p> <p>problem [8] - 75:3, 91:10, 100:11, 100:14, 140:10, 176:12, 185:11, 197:12</p> <p>Problem [1] - 193:24</p> <p>problems [1] - 102:21</p>	<p>procedure [11] - 38:8, 38:17, 39:3, 43:19, 44:21, 48:2, 58:13, 132:11, 146:20, 194:23, 206:4</p> <p>procedures [3] - 36:15, 38:9, 39:14</p> <p>proceeded [1] - 44:18</p> <p>process [5] - 166:9, 205:18, 248:16, 249:4</p> <p>processes [1] - 224:3</p> <p>produce [1] - 8:2</p> <p>produced [43] - 3:17, 8:5, 14:22, 16:8, 17:15, 54:11, 64:17, 69:4, 70:16, 73:1, 74:7, 74:22, 82:19, 82:23, 83:6, 84:19, 85:6, 87:21, 88:23, 89:5, 103:5, 104:12, 104:17, 118:24, 121:4, 131:18, 132:15, 145:2, 146:6, 155:14, 160:1, 160:15, 160:18, 160:20, 163:3, 207:17, 215:8, 216:8, 236:13, 237:3, 243:19, 250:11</p> <p>production [4] - 16:7, 84:2, 102:16, 102:21</p> <p>products [1] - 198:13</p> <p>professional [2] - 81:15, 252:16</p> <p>professionally [1] - 176:9</p> <p>Professor [10] - 145:14, 145:15, 145:18, 146:23, 152:20, 154:18, 163:9, 199:22, 203:9, 208:11</p> <p>progressively [3] - 90:19, 90:20, 107:19</p> <p>project [2] - 244:22, 245:2</p> <p>projected [1] - 241:15</p> <p>projecting [1] - 82:15</p> <p>projection [6] - 234:18, 234:20, 235:20, 236:1, 243:12, 244:7</p> <p>projections [3] - 93:4, 97:1, 248:14</p>	<p>prominent [1] - 100:20</p> <p>proof [3] - 86:4, 86:13, 129:22</p> <p>properly [1] - 161:10</p> <p>proportion [3] - 119:20, 196:17, 199:23</p> <p>proportionality [1] - 175:3</p> <p>Proportionally [1] - 236:3</p> <p>proportions [1] - 87:15</p> <p>Prospective [1] - 118:15</p> <p>provide [1] - 170:5</p> <p>provided [10] - 3:23, 8:14, 73:5, 73:6, 105:8, 158:4, 158:5, 170:16, 170:20, 251:17</p> <p>provides [2] - 40:4, 176:20</p> <p>public [3] - 9:2, 55:21, 114:17</p> <p>Public [3] - 4:9, 257:4, 258:6</p> <p>publication [7] - 87:7, 87:11, 91:7, 103:1, 103:12, 191:9, 192:3</p> <p>publicly [2] - 9:2, 132:12</p> <p>publish [2] - 254:4, 254:5</p> <p>published [9] - 8:21, 11:6, 36:9, 36:12, 180:18, 188:5, 188:17, 189:21, 223:20</p> <p>pull [6] - 17:5, 20:14, 63:16, 75:11, 159:20, 239:9</p> <p>pulled [3] - 17:10, 63:17, 124:25</p> <p>purely [1] - 45:8</p> <p>purpose [7] - 88:25, 91:12, 101:22, 115:4, 208:25, 209:5, 256:5</p> <p>purposes [16] - 39:22, 41:22, 47:19, 78:16, 101:9, 153:25, 155:24, 169:18, 172:11, 173:24, 196:14, 198:9, 198:11, 199:11, 199:21, 200:7</p> <p>pursuant [3] - 4:7, 5:24, 257:6</p>	<p>pursue [1] - 155:8</p> <p>push [1] - 119:9</p> <p>put [25] - 12:21, 26:16, 45:4, 55:10, 55:16, 56:1, 57:23, 68:10, 71:1, 72:4, 102:24, 107:13, 108:3, 134:3, 144:19, 147:22, 152:1, 155:9, 155:13, 162:21, 176:2, 181:15, 199:10, 216:12, 246:20</p> <p>putting [1] - 202:20</p>	<p>quick [2] - 213:6, 250:9</p> <p>quickly [3] - 38:22, 38:23, 82:20</p> <p>quite [7] - 8:10, 47:12, 101:5, 103:8, 131:25, 235:8</p>
R				
<p>R.C [1] - 192:6</p> <p>race [9] - 12:15, 18:24, 19:5, 19:6, 19:7, 20:8, 76:1, 105:6, 165:22</p> <p>Race [7] - 18:15, 20:4, 20:15, 20:16, 21:23, 21:24, 76:20</p> <p>racially [11] - 166:13, 166:25, 200:25, 201:8, 207:21, 208:12, 208:17, 208:23, 209:6, 209:12, 209:14</p> <p>radius [1] - 198:15</p> <p>RAMIREZ [1] - 2:9</p> <p>RAMIRO [1] - 2:9</p> <p>randomly [1] - 222:19</p> <p>range [14] - 100:10, 112:9, 113:23, 114:19, 117:2, 117:5, 148:1, 169:19, 174:1, 207:1, 219:18, 220:14, 236:4, 236:19</p> <p>Range [1] - 114:2</p> <p>ranges [7] - 100:19, 147:12, 147:21, 147:22, 148:16, 149:22, 183:3</p> <p>ranging [2] - 30:9, 31:20</p> <p>rare [3] - 168:3, 168:5, 179:16</p> <p>rarely [2] - 175:16, 175:22</p> <p>Rate [3] - 87:7, 87:13, 92:12</p> <p>rate [23] - 90:11, 93:18, 101:2, 104:8, 153:3, 153:8, 153:10, 153:13, 153:17, 168:6, 171:13, 171:19, 171:21, 173:15, 175:12, 179:3, 181:1, 187:20, 204:14, 211:10, 235:18, 240:21, 254:20</p>				

Q

QT [11] - 11:5, 18:15, 18:23, 122:6, 122:8, 122:23, 133:14, 133:22, 134:11

QT-P [1] - 133:14

QT-P1 [6] - 122:6, 122:8, 122:23, 133:14, 133:22, 134:11

QT-PL [4] - 11:5, 18:15, 18:23, 122:6

qualified [1] - 257:4

qualitative [2] - 101:19, 186:14

quality [3] - 29:16, 102:21, 199:6

quantified [2] - 190:25, 239:15

quantify [6] - 14:4, 95:2, 104:9, 154:22, 169:1, 238:14

quantifying [1] - 103:18

quantitative [4] - 94:9, 101:20, 101:22, 186:14

quantitatively [1] - 101:23

quarrel [1] - 199:3

quarter [1] - 154:13

quarters [1] - 154:14

questionable [1] - 200:24

questioning [1] - 13:21

questionnaire [2] - 209:22, 209:24

questions [11] - 13:17, 62:6, 83:22, 89:1, 155:10, 166:8, 176:13, 250:18, 252:4, 256:6, 256:7

<p>rates [17] - 76:13, 86:5, 87:15, 90:17, 90:20, 91:21, 92:10, 104:10, 146:22, 147:23, 153:21, 153:22, 175:15, 188:2, 218:2, 229:20, 229:21</p> <p>Rates [2] - 152:24, 210:24</p> <p>rather [5] - 16:10, 74:4, 191:6, 222:18, 247:22</p> <p>ratio [2] - 181:7, 181:23</p> <p>raw [4] - 119:19, 169:5, 170:18, 216:14</p> <p>RE [2] - 184:18, 253:19</p> <p>RE-EXAMINATION [2] - 184:18, 253:19</p> <p>reach [3] - 195:7, 206:18, 239:9</p> <p>reached [1] - 21:2</p> <p>read [18] - 8:25, 19:13, 19:14, 59:12, 59:14, 88:10, 102:8, 130:17, 130:22, 152:24, 173:14, 177:2, 177:7, 200:13, 201:25, 202:20, 241:13, 245:7</p> <p>reader [1] - 195:17</p> <p>readily [1] - 67:7</p> <p>reading [4] - 102:14, 171:2, 174:16, 205:6</p> <p>reads [3] - 24:1, 69:11, 90:2</p> <p>reality [3] - 47:23, 48:8, 150:8</p> <p>realize [1] - 165:24</p> <p>really [10] - 103:13, 117:21, 156:17, 177:16, 182:10, 213:20, 213:24, 214:19, 224:2, 234:18</p> <p>reason [8] - 21:10, 44:11, 99:4, 127:16, 196:6, 196:20, 207:13, 218:18</p> <p>reasonable [7] - 170:6, 251:23, 252:1, 252:2, 252:6, 252:11, 253:13</p> <p>reasonably [3] - 196:16, 196:22, 198:4</p> <p>reasons [10] - 96:3, 150:5, 150:7, 150:9, 155:2, 218:16, 230:9, 230:16, 240:8, 240:10</p>	<p>reassured [1] - 61:11</p> <p>rebut [1] - 154:20</p> <p>rebuttal [25] - 3:18, 76:11, 76:23, 77:1, 77:3, 79:6, 79:8, 79:9, 79:11, 79:14, 81:24, 82:4, 146:18, 155:2, 170:17, 174:6, 185:6, 191:8, 193:13, 194:19, 200:22, 201:6, 204:12, 205:4, 210:22</p> <p>received [9] - 7:20, 14:18, 14:20, 56:22, 84:1, 159:23, 218:24, 242:22, 253:9</p> <p>recent [9] - 91:15, 102:5, 107:6, 139:16, 147:4, 188:16, 188:20, 189:5, 225:22</p> <p>recently [7] - 131:25, 146:17, 178:22, 189:11, 192:9, 209:14, 212:6</p> <p>Recess [6] - 32:8, 64:3, 88:17, 166:3, 209:19, 243:10</p> <p>recognition [1] - 190:22</p> <p>recognize [2] - 171:7, 223:17</p> <p>recognized [1] - 222:7</p> <p>recognizing [1] - 52:14</p> <p>recollect [3] - 26:12, 213:12, 247:18</p> <p>recollection [23] - 18:5, 57:20, 60:22, 63:9, 66:25, 68:15, 72:25, 80:21, 102:9, 123:15, 141:6, 145:9, 145:17, 156:15, 156:22, 157:5, 164:3, 199:13, 212:12, 212:19, 224:20, 225:1, 256:1</p> <p>recomposition [3] - 94:6, 94:12, 97:20</p> <p>reconstruct [1] - 248:7</p> <p>record [29] - 10:15, 15:9, 23:22, 25:24, 54:8, 54:10, 55:10, 55:21, 56:2, 61:5, 62:16, 63:13, 63:15, 63:22, 64:2, 64:16, 67:23, 72:24, 74:20, 85:6, 85:19, 130:10, 173:10, 174:7,</p>	<p>175:11, 184:15, 184:16, 237:9, 257:18</p> <p>Record [3] - 11:1, 15:6, 73:12</p> <p>Redistricting [4] - 54:7, 54:16, 69:24, 75:4</p> <p>redistricting [12] - 16:13, 16:14, 16:17, 80:4, 80:7, 207:18, 209:1, 209:3, 212:7, 213:1, 213:19, 253:3</p> <p>reduced [1] - 257:17</p> <p>reenforcing [2] - 238:16, 238:19</p> <p>reexamining [1] - 50:1</p> <p>refer [21] - 13:19, 26:4, 28:8, 33:21, 33:24, 51:3, 80:23, 81:19, 90:18, 102:11, 106:21, 112:22, 194:18, 198:1, 218:21, 221:11, 221:19, 222:11, 225:4, 227:5, 240:17</p> <p>reference [8] - 39:2, 39:8, 70:7, 75:9, 193:15, 194:15, 202:14, 243:4</p> <p>references [1] - 120:22</p> <p>referred [15] - 13:6, 31:6, 51:4, 53:17, 77:1, 120:1, 140:5, 165:1, 169:21, 200:6, 222:1, 225:6, 226:12, 228:5, 236:24</p> <p>referring [27] - 23:23, 47:14, 50:10, 50:12, 54:2, 64:19, 65:5, 66:21, 84:24, 85:1, 85:5, 134:13, 135:21, 137:11, 142:23, 163:8, 188:9, 221:6, 221:7, 222:4, 222:5, 231:13, 238:4, 238:6, 238:7, 239:8, 249:9</p> <p>refers [19] - 11:2, 12:11, 12:12, 13:10, 28:4, 31:9, 31:12, 48:25, 49:2, 58:25, 66:23, 77:16, 109:10, 117:18, 117:25, 129:8, 152:3, 198:1, 202:15</p> <p>refine [2] - 52:13, 79:2</p> <p>refining [2] - 50:18, 188:6</p>	<p>reflect [2] - 37:19, 91:18</p> <p>reflected [13] - 86:24, 93:22, 93:25, 95:11, 98:10, 109:23, 109:25, 119:25, 131:17, 139:13, 159:25, 163:2, 216:7</p> <p>refresh [1] - 212:18</p> <p>regard [6] - 166:13, 169:22, 175:4, 175:5, 219:25, 248:25</p> <p>regarding [5] - 100:22, 154:25, 159:8, 249:23, 251:8</p> <p>regardless [5] - 144:8, 210:5, 210:7, 210:20, 220:15</p> <p>register [3] - 153:22, 153:23, 211:2</p> <p>Registered [2] - 150:14, 152:23</p> <p>registered [10] - 151:8, 153:6, 153:10, 153:11, 153:16, 167:2, 178:23, 211:7, 211:11, 244:11</p> <p>registering [1] - 153:13</p> <p>registrant [1] - 203:6</p> <p>registrants [10] - 155:11, 166:18, 167:5, 167:8, 181:12, 199:23, 201:11, 203:1, 203:2, 203:23</p> <p>Registration [4] - 76:19, 78:6, 78:18, 210:25</p> <p>registration [12] - 75:25, 76:13, 77:21, 146:22, 147:23, 152:19, 153:3, 153:7, 153:8, 153:20, 154:12, 155:1</p> <p>REID [1] - 2:5</p> <p>REINHART [1] - 5:6</p> <p>Reinhart [6] - 4:10, 14:19, 53:19, 54:24, 72:14, 257:8</p> <p>related [3] - 97:10, 97:11, 257:21</p> <p>relating [1] - 77:20</p> <p>relationship [2] - 91:24, 172:20</p> <p>Relative [2] - 149:7, 151:22</p> <p>relative [4] - 67:9, 149:10, 236:4, 257:24</p> <p>release [3] - 255:25, 256:1, 256:2</p>	<p>relevant [2] - 210:11, 245:19</p> <p>reliable [8] - 102:16, 102:22, 170:5, 181:6, 181:11, 204:15, 236:1, 253:1</p> <p>reliance [5] - 159:3, 159:4, 159:5, 159:12, 183:4</p> <p>relied [5] - 79:5, 121:5, 160:13, 252:15, 252:16</p> <p>rely [3] - 81:2, 81:4, 112:2</p> <p>remain [6] - 91:24, 96:5, 96:6, 200:11, 200:12, 235:5</p> <p>remaining [4] - 34:18, 34:20, 137:24, 139:21</p> <p>remains [2] - 200:17, 235:25</p> <p>remarkably [2] - 189:14, 194:23</p> <p>remedial [2] - 178:3, 178:7</p> <p>remember [6] - 38:14, 39:9, 212:16, 213:10, 227:9, 241:7</p> <p>remind [1] - 81:21</p> <p>remnants [1] - 92:21</p> <p>remove [1] - 104:6</p> <p>renaissance [1] - 217:19</p> <p>render [3] - 249:23, 250:2, 254:8</p> <p>renders [3] - 154:24, 254:23, 255:14</p> <p>rendition [2] - 111:7, 111:8</p> <p>repeat [2] - 11:20, 59:11</p> <p>replace [1] - 94:4</p> <p>replaced [2] - 96:19, 217:8</p> <p>replacing [1] - 188:22</p> <p>replicate [2] - 170:19, 174:5</p> <p>replicating [1] - 109:2</p> <p>report [93] - 3:18, 13:17, 24:13, 46:12, 46:15, 47:19, 54:3, 60:8, 64:6, 76:11, 76:24, 77:2, 77:4, 77:9, 77:10, 79:6, 79:8, 79:9, 79:12, 79:15, 81:24, 82:4, 83:9, 84:3, 89:5, 92:9,</p>
--	--	--	---	---

93:5, 93:23, 94:20, 97:1, 100:24, 102:8, 102:25, 110:5, 115:13, 118:18, 118:19, 119:24, 120:22, 121:1, 121:10, 121:20, 122:14, 129:18, 129:19, 130:4, 130:11, 132:5, 145:24, 146:1, 146:18, 152:20, 154:21, 155:2, 163:2, 166:19, 170:17, 171:3, 174:6, 174:16, 177:9, 185:6, 191:8, 191:25, 193:12, 193:13, 193:20, 194:19, 197:2, 200:22, 200:23, 201:2, 201:7, 201:16, 201:24, 204:12, 204:20, 205:4, 207:17, 210:23, 214:3, 214:12, 214:18, 214:19, 214:24, 216:13, 222:1, 222:2, 236:10, 238:10, 247:3, 252:6 Report [1] - 3:21 reported [1] - 39:25 Reported [2] - 76:19, 78:17 Reporter [3] - 1:21, 4:8, 257:3 reporter [4] - 6:2, 67:20, 75:1, 83:2 reports [22] - 8:23, 75:25, 77:16, 78:3, 83:10, 145:2, 145:7, 145:16, 158:11, 158:22, 158:23, 158:24, 159:14, 159:15, 193:19, 214:11, 216:8, 251:18, 251:22, 252:5, 252:11, 253:12 Reports [2] - 77:14, 77:17 represent [4] - 31:2, 51:3, 131:24, 173:14 representation [4] - 210:9, 210:14, 210:15, 210:20 represented [2] - 203:4, 210:18 represents [1] - 92:20 reproducible [1] - 194:7	reproductive [1] - 217:19 republican [2] - 108:2, 212:24 republicans [2] - 212:22, 213:18 request [4] - 16:6, 26:23, 165:2, 237:7 requested [6] - 20:1, 105:1, 105:4, 145:10, 145:11, 159:3 requesting [1] - 83:8 requests [1] - 8:1 require [2] - 157:15, 207:14 required [1] - 194:25 requirements [1] - 105:11 research [13] - 172:17, 176:19, 179:11, 180:2, 180:15, 187:17, 190:19, 192:11, 192:15, 197:23, 197:25, 198:9, 199:7 researched [1] - 188:11 reside [2] - 222:7, 222:8 residential [2] - 223:18, 225:9 residentially [1] - 222:11 residents [5] - 19:2, 218:17, 230:21, 255:12 residing [3] - 96:15, 96:16, 221:9 resolution [1] - 29:5 resolve [2] - 62:25, 63:24 resource [1] - 15:18 respect [6] - 30:15, 37:9, 158:22, 159:11, 159:13, 200:17 respond [1] - 211:11 responded [2] - 20:7, 20:9 response [3] - 3:17, 8:6, 83:22 responses [1] - 83:21 responsive [2] - 6:14, 8:18 rest [2] - 139:18, 214:18 result [4] - 84:6, 102:15, 174:2, 185:20 results [4] - 76:16, 101:7, 167:1, 180:18	retail [2] - 18:20, 119:5 retain [1] - 155:22 retained [7] - 80:11, 156:4, 156:20, 212:13, 212:14, 213:3, 213:7 retention [4] - 155:19, 155:23, 158:6, 159:8 retired [1] - 191:23 retirement [1] - 191:17 return [1] - 98:16 review [2] - 145:8, 253:8 reviewed [3] - 45:6, 52:3, 236:12 reviewing [3] - 52:8, 145:9, 145:12 revise [1] - 45:13 revised [2] - 43:1, 57:6 revisions [1] - 86:23 RIBBLE [1] - 2:5 RICHARD [2] - 1:6 right-hand [24] - 10:10, 26:15, 28:2, 46:10, 49:13, 53:9, 54:4, 86:12, 86:15, 92:18, 99:20, 109:20, 110:18, 115:11, 121:21, 123:7, 125:15, 126:1, 134:15, 142:24, 151:21, 152:15, 152:16, 153:19 rise [1] - 98:5 RISSEEUW [1] - 1:7 RMD [1] - 2:12 road [1] - 126:14 ROBSON [1] - 1:7 ROCHELLE [1] - 1:6 Rodriguez [1] - 175:14 ROGERS [1] - 1:7 Romney [1] - 108:2 RON [1] - 1:4 RONALD [2] - 1:3, 1:10 rough [2] - 199:18, 234:2 roughly [3] - 37:3, 49:23, 154:3 rounded [1] - 244:20 rounding [1] - 114:10 row [23] - 88:10, 89:18, 89:25, 90:1, 90:9, 90:21, 93:13,	99:1, 99:3, 99:11, 108:8, 109:14, 110:19, 112:13, 121:18, 122:24, 125:22, 135:4, 135:10, 143:8, 143:13, 153:4 rows [8] - 62:18, 62:19, 90:8, 99:14, 109:13, 126:7, 136:16 rule [7] - 158:12, 158:17, 158:25, 159:16, 159:20, 159:22, 224:24 Rule [1] - 158:11 ruler [1] - 37:1 run [1] - 249:19 runs [1] - 45:25 rural [1] - 40:22 Ryan [4] - 75:10, 75:13, 75:15 RYAN [1] - 2:4	school [2] - 224:23, 225:2 scientific [5] - 205:13, 205:25, 249:6, 252:2, 253:14 scientifically [3] - 130:2, 248:25, 249:1 scratch [1] - 243:4 scratched [2] - 57:16, 72:20 screen [3] - 71:25, 119:7, 124:25 scroll [1] - 64:24 SE [1] - 112:21 se [2] - 120:7, 236:11 seal [1] - 258:3 SEAN [1] - 2:5 search [1] - 8:2 second [16] - 7:22, 11:8, 23:8, 23:21, 45:6, 63:22, 80:17, 102:14, 121:21, 130:14, 174:6, 196:13, 205:9, 223:17, 238:5, 238:6 secondly [2] - 76:14, 91:15 Section [4] - 194:13, 195:15, 196:7, 196:10 section [4] - 31:17, 106:6, 152:22, 200:24 see [201] - 6:11, 7:24, 10:2, 11:25, 13:12, 20:17, 20:25, 21:1, 21:16, 21:24, 23:6, 24:7, 25:23, 26:14, 26:16, 26:19, 26:24, 28:1, 28:2, 28:3, 28:10, 30:5, 30:10, 31:18, 33:1, 34:2, 34:5, 35:13, 38:25, 42:20, 42:22, 43:10, 44:20, 45:3, 46:21, 46:25, 47:4, 47:8, 47:9, 47:23, 48:6, 48:8, 48:17, 48:19, 48:20, 48:21, 48:24, 49:21, 52:5, 52:17, 52:23, 52:24, 53:1, 53:14, 54:16, 54:18, 54:21, 56:5, 56:7, 65:3, 65:22, 65:24, 69:15, 71:5, 71:6, 71:7, 71:11, 71:13, 71:24, 72:1, 73:10, 74:15, 80:16, 82:10, 83:3, 83:19, 83:20, 84:9, 84:16, 84:23, 85:16, 85:22, 86:5, 88:10, 89:25, 90:2,
S				
S.C [4] - 4:10, 4:19, 5:6, 257:8 sake [1] - 103:23 sample [9] - 107:4, 107:8, 107:10, 107:15, 107:17, 111:5, 111:6, 127:8, 255:15 SANCHEZ [1] - 1:7 SANCHEZ-BELL [1] - 1:7 sat [1] - 217:4 satisfaction [1] - 205:12 satisfied [1] - 58:5 saved [2] - 56:10, 56:20 saw [8] - 38:24, 83:5, 106:10, 156:10, 156:14, 164:3, 213:15, 248:3 scarcely [1] - 101:7 scattered [1] - 37:17 scattering [1] - 222:19 scenario [1] - 235:12 scenarios [1] - 235:22 schedules [1] - 104:5 SCHLIEPP [1] - 1:7 scholar [1] - 208:7 scholarly [1] - 191:20				

<p>90:16, 92:23, 93:8, 93:14, 93:24, 95:14, 99:10, 99:20, 102:11, 109:12, 110:15, 110:17, 110:23, 111:23, 114:7, 115:1, 115:8, 115:10, 115:13, 118:9, 119:8, 120:15, 121:20, 122:11, 122:25, 123:5, 123:16, 125:1, 125:11, 125:25, 126:9, 126:19, 126:22, 127:8, 128:2, 129:19, 132:17, 132:23, 133:22, 134:11, 135:8, 135:10, 136:10, 139:12, 140:1, 142:11, 142:16, 143:3, 143:9, 147:9, 147:18, 148:1, 148:2, 150:13, 151:7, 152:1, 153:18, 156:7, 159:17, 162:22, 165:25, 171:10, 173:4, 174:10, 175:14, 177:9, 183:22, 193:6, 193:9, 193:22, 194:6, 194:15, 195:3, 195:10, 195:20, 196:4, 196:14, 196:18, 197:6, 201:14, 201:20, 202:13, 204:9, 215:16, 217:8, 217:24, 218:11, 218:13, 219:8, 219:13, 220:17, 226:5, 226:23, 227:25, 233:8, 234:14, 235:21, 236:6, 236:21, 237:16, 238:17, 241:15, 241:19, 243:24, 244:11, 244:18, 244:20, 245:7, 246:5, 246:8, 248:1 seeing [3] - 42:15, 50:2, 105:17 selected [1] - 176:7 selection [1] - 195:2 self [2] - 10:14, 222:17 self-explanatory [1] - 10:14 self-perpetuating [1] - 222:17</p>	<p>selling [1] - 200:9 semantic [1] - 226:10 semi [1] - 40:24 semi-populated [1] - 40:24 send [1] - 165:21 sense [5] - 67:12, 140:24, 141:3, 164:23, 215:22 SENSENBRENNER [1] - 2:4 sent [6] - 16:11, 83:21, 96:9, 164:2, 164:21, 237:6 sentence [9] - 102:15, 194:6, 194:22, 195:23, 200:16, 201:25, 214:24, 238:4, 238:12 separate [7] - 7:2, 67:7, 82:22, 96:22, 162:18, 246:9, 246:19 separately [3] - 10:2, 10:4, 123:23 sequence [3] - 83:25, 128:2, 233:19 series [4] - 23:2, 35:5, 132:24, 136:3 serious [3] - 176:12, 177:14, 200:2 service [2] - 119:4, 137:25 Services [3] - 15:8, 15:15, 15:25 set [25] - 7:7, 13:23, 23:1, 33:5, 39:22, 82:8, 89:12, 104:4, 104:11, 113:17, 114:5, 125:4, 146:24, 155:2, 180:19, 196:7, 201:17, 205:3, 216:11, 229:10, 243:17, 247:24, 249:5, 258:2 set-up [1] - 247:24 sets [2] - 7:9, 140:23 setting [1] - 40:22 settle [1] - 170:21 seven [4] - 7:23, 8:3, 8:13, 8:18 several [7] - 7:8, 10:21, 66:2, 67:4, 157:12, 157:13, 255:11 sex [1] - 136:12 Sex [4] - 76:20, 119:12, 125:17, 134:19 SF [1] - 148:17</p>	<p>SF1 [1] - 91:3 shaded [7] - 24:25, 27:18, 35:13, 35:15, 37:15, 37:17, 112:13 Share [2] - 71:8, 118:15 share [45] - 18:6, 18:8, 22:18, 30:23, 58:3, 58:6, 59:1, 60:23, 74:1, 94:7, 94:13, 94:24, 97:21, 98:5, 101:13, 110:21, 111:21, 137:12, 137:14, 166:17, 167:2, 177:24, 181:12, 203:2, 203:6, 203:18, 205:14, 205:19, 206:1, 206:12, 207:4, 221:21, 222:20, 232:24, 233:4, 233:13, 238:21, 240:18, 242:13, 244:9, 245:23, 246:14, 246:19, 249:2, 254:15 sheet [7] - 32:12, 32:13, 35:9, 47:20, 67:19, 105:21, 241:6 sheets [6] - 11:10, 13:19, 32:11, 66:3, 71:11, 133:22 SHEILA [1] - 1:4 shift [1] - 96:14 shopping [1] - 198:18 short [6] - 52:2, 180:14, 203:24, 224:4, 225:4, 225:7 show [19] - 44:18, 56:10, 60:11, 64:16, 84:22, 85:20, 143:4, 147:5, 151:5, 153:1, 162:9, 162:22, 187:22, 201:16, 204:18, 237:20, 241:2, 244:5, 247:16 showed [2] - 106:7, 184:10 showing [4] - 23:12, 113:19, 133:4, 246:11 shown [43] - 14:13, 50:1, 50:6, 54:3, 60:7, 60:10, 60:14, 60:18, 61:2, 62:21, 63:10, 87:5, 87:12, 87:17, 92:18, 93:13, 95:3, 95:4, 99:10, 110:5, 113:25, 115:14, 115:21, 116:6,</p>	<p>118:18, 120:7, 120:8, 127:10, 127:23, 128:16, 129:25, 138:16, 140:22, 147:24, 181:3, 204:20, 219:9, 231:22, 245:12, 245:25, 246:1, 246:2, 246:17 shows [23] - 12:7, 12:13, 14:2, 14:3, 15:9, 15:12, 18:24, 22:22, 23:17, 23:20, 25:3, 35:2, 56:12, 90:4, 109:13, 150:24, 150:25, 151:2, 179:11, 180:2, 220:8, 242:13, 247:7 shrinks [1] - 154:5 side [26] - 13:23, 29:11, 29:14, 29:19, 44:21, 45:4, 82:8, 86:12, 92:18, 99:20, 99:24, 100:1, 104:11, 109:20, 123:1, 123:2, 123:3, 123:7, 126:1, 126:12, 150:13, 152:10, 152:15, 152:16, 152:22, 155:13 sided [1] - 29:11 sides [1] - 125:13 signalling [1] - 139:15 significance [3] - 27:9, 171:24, 174:21 significant [5] - 21:19, 21:21, 221:8, 222:15, 236:20 signify [1] - 17:8 signifying [1] - 26:11 silly [1] - 213:21 similar [4] - 36:6, 80:9, 113:11, 135:6 similarly [4] - 21:23, 98:21, 138:19, 143:20 simple [8] - 94:25, 122:15, 124:8, 129:1, 134:21, 135:2, 177:13, 242:3 simplified [1] - 205:11 simply [37] - 14:25, 20:3, 28:11, 28:14, 36:24, 37:2, 39:6, 47:22, 63:1, 73:13, 77:24, 81:18, 96:23, 101:9, 104:8, 105:2, 106:7, 115:8, 124:24, 131:3, 140:20, 149:2,</p>	<p>149:13, 154:15, 154:22, 164:21, 187:11, 188:6, 189:22, 201:10, 203:21, 209:4, 214:11, 217:13, 219:25, 233:1, 242:11 simulate [1] - 153:24 single [14] - 11:10, 37:17, 37:24, 39:20, 40:5, 41:24, 65:13, 74:19, 100:12, 115:24, 116:2, 116:10, 116:17, 247:9 single-year [3] - 115:24, 116:10, 116:17 situation [3] - 43:20, 181:25, 251:4 situations [1] - 36:6 six [6] - 27:24, 132:19, 133:22, 134:7, 134:10, 193:7 sixth [3] - 20:21, 122:24, 123:3 size [6] - 40:25, 41:2, 93:16, 172:18, 172:20, 255:15 sizes [2] - 41:17, 41:18 skip [2] - 20:16, 205:8 slash [2] - 48:14, 49:19 slight [1] - 50:3 slightly [3] - 52:15, 52:19, 119:16 sliver [2] - 52:21 slow [1] - 178:2 small [4] - 21:10, 86:14, 107:7, 255:15 smaller [4] - 21:7, 21:14, 107:19, 107:23 smallest [3] - 40:17, 41:1, 41:12 Smith [3] - 178:21, 178:22, 197:23 software [1] - 57:1 solely [3] - 19:2, 97:10, 155:5 someone [5] - 55:16, 56:1, 209:23, 224:9, 224:11 someplace [1] - 94:20 sometime [1] - 156:15 sometimes [2] - 120:9, 209:8 somewhat [2] - 27:2,</p>
---	---	---	--	---

<p>52:2 somewhere [26] - 15:1, 39:9, 52:21, 56:14, 56:15, 64:23, 74:10, 77:6, 79:16, 96:16, 113:22, 114:8, 114:10, 132:1, 136:2, 154:12, 156:8, 156:17, 176:16, 191:18, 201:20, 219:6, 233:24, 241:3, 246:17, 248:8 SOR [1] - 195:24 sorry [26] - 11:20, 18:8, 19:18, 34:19, 44:24, 54:13, 57:4, 59:11, 75:2, 80:20, 93:11, 99:5, 108:16, 111:18, 133:3, 149:19, 152:1, 152:7, 152:14, 153:6, 195:14, 197:3, 209:23, 232:20, 232:22, 254:2 sort [4] - 30:14, 35:14, 35:15, 247:10 sorts [2] - 150:7, 239:13 sought [1] - 52:13 sound [1] - 252:12 sounds [3] - 171:10, 171:11, 213:21 source [26] - 14:12, 61:3, 61:25, 63:6, 63:7, 72:15, 72:17, 72:18, 76:25, 77:1, 77:2, 86:11, 87:5, 95:14, 95:16, 105:18, 121:23, 122:6, 124:16, 138:4, 141:9, 142:23, 144:24, 150:17, 226:18, 227:13 sourced [1] - 141:22 sources [6] - 14:13, 23:3, 91:3, 121:1, 121:2, 180:17 South [1] - 224:11 south [1] - 212:20 southern [1] - 182:12 space [1] - 244:1 spacial [5] - 50:1, 94:8, 97:23, 223:2, 223:11 span [2] - 106:15, 107:24 Spanish [66] - 3:20, 166:20, 166:22, 167:12, 167:25,</p>	<p>168:3, 168:5, 169:6, 171:8, 172:2, 172:19, 172:23, 173:2, 173:5, 173:11, 173:18, 173:25, 174:3, 176:18, 176:20, 177:13, 177:16, 177:19, 177:23, 178:12, 178:14, 178:16, 178:18, 179:4, 179:9, 179:13, 179:16, 179:25, 180:11, 180:12, 180:21, 181:9, 181:14, 181:15, 181:17, 181:21, 181:22, 182:1, 182:2, 182:5, 182:6, 183:6, 183:10, 183:11, 183:20, 184:5, 185:7, 185:13, 185:21, 186:8, 188:8, 188:25, 190:2, 191:13, 193:23, 194:16, 195:2, 195:17, 198:17, 199:9, 204:4 speaking [3] - 30:20, 175:24, 219:17 Special [2] - 15:7, 73:12 special [10] - 11:2, 12:7, 12:10, 15:9, 16:3, 17:10, 17:14, 18:3, 73:24, 254:3 specialized [2] - 161:21, 252:24 specific [14] - 31:2, 36:13, 62:13, 91:15, 102:6, 103:5, 105:15, 119:10, 120:22, 121:11, 151:20, 181:17, 202:14, 204:16 specifically [8] - 32:16, 44:13, 46:19, 54:2, 89:7, 151:13, 176:22, 231:24 speculate [5] - 57:18, 57:19, 118:1, 171:15, 211:4 speculating [1] - 174:4 spelled [1] - 235:24 spend [1] - 214:18 split [14] - 29:20, 33:8, 35:19, 37:19, 39:4, 42:20, 45:8, 45:13, 45:22, 46:4, 47:22, 50:15, 51:7, 52:6</p>	<p>Split [3] - 31:18, 32:18, 53:1 splits [2] - 39:12, 58:2 spoken [14] - 160:23, 160:25, 161:11, 163:15, 163:16, 163:22, 164:6, 164:9, 164:14, 164:19, 164:21, 165:9, 191:24, 192:20 spotted [1] - 166:8 Spreadsheet [1] - 75:5 spreadsheet [86] - 11:15, 12:3, 12:6, 12:7, 12:21, 12:23, 12:24, 13:5, 14:11, 27:6, 28:19, 61:17, 62:11, 63:1, 65:9, 65:12, 65:16, 65:21, 66:1, 66:3, 66:14, 66:22, 67:25, 68:6, 68:21, 70:9, 70:12, 70:16, 72:16, 73:2, 74:8, 74:11, 75:11, 89:13, 89:15, 90:10, 90:14, 90:21, 92:4, 92:8, 92:11, 94:18, 98:25, 100:4, 104:14, 104:16, 104:19, 104:24, 105:13, 105:23, 106:7, 111:10, 112:4, 117:15, 117:22, 118:4, 118:5, 118:18, 142:12, 142:19, 142:22, 143:3, 143:8, 143:13, 143:15, 144:1, 144:6, 144:10, 146:4, 148:20, 155:4, 155:7, 241:11, 241:19, 242:11, 242:22, 243:3, 243:20, 244:16, 245:7, 245:13, 245:22, 246:4, 246:16 spreadsheets [2] - 10:21, 65:10 spring [1] - 81:16 spur [1] - 235:13 Spur [1] - 223:10 Squires [4] - 75:10, 75:13, 75:15 ss [1] - 257:1 SSNs [2] - 176:24, 176:25 stack [15] - 6:22, 9:8, 9:25, 35:3, 104:13, 105:22, 106:1, 106:3,</p>	<p>125:2, 125:9, 133:20, 134:3, 137:25, 250:11, 250:12 stage [1] - 245:17 stand [1] - 95:8 standard [9] - 113:3, 113:7, 114:20, 116:24, 190:9, 198:15, 250:20, 250:21, 252:3 standardization [13] - 76:15, 77:4, 78:20, 79:3, 79:5, 79:7, 79:11, 79:14, 80:24, 146:16, 147:4, 147:6, 154:23 standardize [1] - 147:1 Standardized [1] - 146:7 standardized [6] - 76:13, 153:3, 153:8, 153:20, 154:5, 155:4 standardizing [1] - 155:12 standards [2] - 190:17, 199:5 standpoint [5] - 56:4, 109:19, 162:23, 186:19, 191:20 stands [1] - 206:3 stapled [1] - 81:8 stark [1] - 235:8 starred [1] - 79:1 start [8] - 44:21, 107:17, 125:6, 133:8, 134:2, 134:4, 134:10, 252:22 started [2] - 44:5, 44:19 starting [1] - 100:6 State [19] - 4:9, 4:12, 12:12, 13:6, 13:10, 16:25, 18:7, 109:10, 110:3, 110:6, 110:12, 111:21, 181:4, 181:20, 188:3, 191:5, 257:5, 257:10, 258:6 STATE [2] - 5:3, 257:1 state [35] - 15:13, 16:17, 16:18, 17:1, 78:25, 86:4, 94:1, 107:20, 111:6, 172:1, 184:12, 191:3, 204:13, 205:24, 206:9, 217:6, 219:7, 221:4, 222:25, 225:16, 226:2, 226:5, 227:24, 228:25,</p>	<p>230:24, 232:19, 236:3, 236:19, 238:14, 240:17, 244:8, 250:19, 251:22, 253:12 statement [23] - 95:9, 97:12, 97:14, 114:16, 157:10, 160:12, 201:18, 205:10, 216:3, 216:15, 217:9, 217:11, 218:5, 218:20, 225:21, 235:16, 235:20, 236:8, 236:23, 237:13, 237:18, 238:1, 245:18 statements [2] - 103:18, 107:22 States [28] - 4:6, 15:22, 15:23, 16:1, 66:19, 76:2, 76:21, 86:11, 87:8, 87:20, 89:6, 95:23, 151:10, 176:9, 191:2, 194:10, 196:2, 200:16, 210:5, 224:5, 224:9, 226:8, 228:12, 228:15, 229:14, 230:13, 237:10 states [6] - 77:14, 194:23, 196:14, 202:13, 228:12, 228:13 STATES [1] - 1:1 statewide [1] - 204:14 statistic [1] - 215:15 statistical [13] - 108:20, 112:8, 168:6, 170:1, 171:24, 186:19, 186:23, 190:16, 199:21, 199:25, 203:8, 252:12, 252:17 statistically [1] - 167:18 statisticians [2] - 113:5, 252:16 statistics [3] - 95:16, 102:17, 206:11 Statistics [4] - 95:18, 95:19, 103:11, 237:1 Status [2] - 125:17, 136:12 stay [2] - 179:24, 240:4 steps [1] - 38:16 Steve [1] - 208:20 sticker [1] - 118:8</p>
---	--	---	--	---

<p>still [10] - 53:7, 88:12, 118:22, 179:9, 184:20, 186:4, 187:10, 188:19, 190:9, 225:12</p> <p>stock [1] - 199:16</p> <p>stop [5] - 11:7, 23:21, 166:2, 175:24, 184:14</p> <p>stp [1] - 74:9</p> <p>stp76 [1] - 74:10</p> <p>stp76-55 [3] - 13:9, 74:16</p> <p>stp76-55.xls [3] - 11:14, 12:1, 69:12</p> <p>stp76055.xls [1] - 69:16</p> <p>straight [6] - 140:2, 141:15, 142:19, 143:10, 181:5, 227:9</p> <p>straightforward [1] - 103:21</p> <p>Strategies [1] - 145:3</p> <p>Street [6] - 4:11, 4:20, 4:23, 5:3, 5:6, 257:9</p> <p>strengthen [1] - 235:11</p> <p>strictly [1] - 37:11</p> <p>strike [4] - 9:9, 151:18, 239:4, 240:8</p> <p>strikes [1] - 174:23</p> <p>Striking [1] - 137:9</p> <p>strong [1] - 234:16</p> <p>struck [1] - 137:14</p> <p>structural [1] - 100:9</p> <p>structure [16] - 18:25, 96:24, 100:5, 101:10, 103:20, 147:2, 150:2, 153:9, 153:13, 234:6, 234:14, 235:4, 235:7, 235:11, 235:25, 238:17</p> <p>structures [4] - 97:8, 101:12, 153:5, 154:16</p> <p>struggling [1] - 182:10</p> <p>studied [5] - 188:11, 188:15, 190:4, 224:7, 224:17</p> <p>studies [6] - 188:18, 188:24, 189:5, 211:5, 211:8, 211:20</p> <p>study [7] - 30:21, 37:22, 99:15, 224:1, 224:2, 224:3, 224:21</p> <p>stuff [2] - 159:9, 161:20</p>	<p>subcontractors [1] - 161:15</p> <p>subdivision [1] - 15:14</p> <p>subfile [2] - 54:13, 54:15</p> <p>subject [2] - 175:23, 210:13</p> <p>submission [1] - 77:3</p> <p>submit [1] - 214:2</p> <p>submitting [1] - 79:11</p> <p>subpart [1] - 28:9</p> <p>Subpoena [1] - 3:11</p> <p>subpoena [7] - 4:7, 5:25, 6:3, 7:18, 7:20, 8:6, 257:6</p> <p>subsequently [1] - 131:13</p> <p>subset [1] - 20:23</p> <p>substantial [3] - 9:18, 21:17, 235:9</p> <p>subtract [3] - 120:12, 127:20, 140:16</p> <p>subtracted [2] - 124:4, 218:12</p> <p>subtracting [10] - 123:14, 123:15, 126:7, 126:17, 140:11, 140:12, 140:24, 148:13, 148:15, 216:20</p> <p>subtraction [3] - 140:2, 149:5, 238:22</p> <p>successive [1] - 90:17</p> <p>suddenly [2] - 234:22, 234:24</p> <p>suffice [4] - 198:10, 198:11, 199:20, 200:10</p> <p>sufficed [2] - 110:12, 155:24</p> <p>sufficient [3] - 195:25, 196:15, 200:15</p> <p>sufficiently [2] - 148:22, 175:1</p> <p>suggest [1] - 178:10</p> <p>suggested [1] - 243:4</p> <p>suggests [2] - 106:20, 139:18</p> <p>suitable [1] - 190:11</p> <p>Suite [4] - 4:20, 4:23, 5:7, 5:10</p> <p>sum [1] - 16:4</p> <p>Summary [4] - 92:5, 119:15, 133:23, 148:4</p>	<p>summary [3] - 148:5, 216:13, 248:24</p> <p>supermarket [3] - 198:14, 198:15, 199:17</p> <p>supermarkets [1] - 200:10</p> <p>supervision [1] - 162:15</p> <p>support [3] - 114:15, 238:1, 238:3</p> <p>supported [1] - 97:16</p> <p>supports [1] - 154:1</p> <p>Suppose [1] - 176:17</p> <p>suppose [1] - 171:12</p> <p>suppress [2] - 255:8, 255:22</p> <p>suppression [1] - 255:23</p> <p>surest [1] - 156:18</p> <p>surfaced [1] - 195:1</p> <p>surname [36] - 166:20, 166:23, 168:3, 168:20, 169:6, 170:11, 171:8, 172:5, 173:3, 173:11, 177:16, 177:19, 178:25, 179:9, 179:13, 179:16, 180:11, 181:14, 181:15, 181:21, 181:22, 182:1, 183:11, 183:20, 184:25, 185:13, 187:19, 190:2, 192:16, 195:17, 196:15, 198:7, 202:4, 202:8, 204:4, 204:7</p> <p>Surname [3] - 3:20, 180:21, 193:23</p> <p>surnamed [9] - 172:23, 176:18, 177:13, 178:14, 181:17, 183:7, 183:10, 184:5, 198:18</p> <p>surnames [55] - 167:12, 167:15, 167:17, 167:25, 168:5, 168:10, 172:3, 172:19, 173:5, 173:18, 174:3, 174:20, 176:7, 176:10, 176:20, 177:23, 178:12, 178:16, 178:19, 179:4, 179:8, 180:1, 180:12, 181:9, 181:14, 182:2, 182:5, 182:7, 185:7, 185:21,</p>	<p>186:9, 187:3, 187:4, 187:7, 187:8, 187:22, 188:8, 188:25, 189:19, 190:1, 190:6, 191:13, 194:8, 194:16, 194:24, 195:1, 195:9, 195:25, 196:3, 197:7, 197:10, 199:9, 200:14, 201:12, 202:3</p> <p>surprised [1] - 36:11</p> <p>survey [9] - 107:2, 107:4, 108:19, 147:25, 150:18, 150:22, 151:4, 151:6</p> <p>Survey [17] - 14:16, 59:3, 60:10, 62:25, 70:6, 70:8, 70:9, 72:8, 124:15, 124:17, 127:3, 127:5, 127:13, 135:25, 157:16, 161:6, 215:5</p> <p>surveyed [1] - 230:4</p> <p>surveys [4] - 107:1, 108:3, 229:13, 229:15</p> <p>Survival [5] - 86:5, 87:7, 87:13, 92:12, 99:21</p> <p>survival [11] - 87:15, 90:11, 90:17, 90:19, 94:23, 100:23, 101:2, 102:5, 104:10, 246:16</p> <p>survives [1] - 87:18</p> <p>surviving [3] - 92:17, 92:24, 93:3</p> <p>Surviving [4] - 92:19, 92:23, 99:2, 99:8</p> <p>survivorship [4] - 82:14, 91:21, 91:24, 92:10</p> <p>Susan [2] - 1:21, 4:8</p> <p>SUSAN [1] - 257:3</p> <p>suspect [3] - 25:20, 57:18, 190:17</p> <p>suspected [1] - 101:25</p> <p>sworn [3] - 5:17, 170:5, 257:12</p> <p>systems [1] - 209:4</p>	<p>50:1, 50:6, 50:10, 50:11, 50:12, 50:20, 51:9, 51:14, 51:21, 53:12, 54:3, 60:7, 60:11, 61:16, 62:19, 64:5, 68:16, 76:19, 78:17, 78:22, 79:4, 80:13, 80:16, 81:4, 81:12, 81:18, 81:23, 82:2, 89:7, 89:15, 91:6, 95:10, 95:21, 100:23, 102:4, 110:3, 110:5, 110:22, 113:13, 113:19, 115:13, 115:21, 116:2, 116:16, 118:18, 118:19, 120:6, 120:9, 120:25, 121:2, 121:4, 121:6, 121:8, 121:10, 121:20, 121:23, 121:25, 122:7, 122:13, 123:7, 123:21, 124:16, 125:6, 125:22, 126:3, 126:25, 127:22, 128:4, 129:23, 131:4, 132:5, 133:6, 133:14, 134:1, 135:15, 137:7, 138:5, 138:10, 138:11, 138:14, 138:16, 138:20, 138:22, 139:1, 139:4, 139:7, 139:8, 139:13, 139:22, 139:23, 140:11, 142:15, 142:25, 143:5, 143:11, 143:18, 143:22, 148:5, 148:17, 150:18, 150:24, 151:4, 171:2, 197:1, 204:20, 204:21, 204:23, 215:20, 216:13, 216:18, 216:20, 217:3, 240:17, 247:7, 247:14, 248:23, 249:12</p> <p>table [79] - 11:6, 18:22, 19:20, 20:14, 22:11, 22:14, 46:22, 60:8, 60:11, 65:20, 72:4, 76:18, 78:25, 79:9, 79:24, 80:20, 81:15, 84:19, 85:2, 85:5, 87:10, 87:15, 88:4, 88:7, 88:20, 90:4, 91:18, 98:11, 99:2, 110:9, 110:17, 114:1, 115:3, 115:5, 115:7, 115:15,</p>
T				
<p>Tab [8] - 84:13, 85:14, 85:15, 87:25, 89:3, 237:9, 241:10, 241:11</p> <p>Table [128] - 18:22, 46:19, 46:21, 47:18,</p>				

<p>115:16, 118:22, 119:11, 119:12, 120:19, 121:11, 121:12, 121:14, 121:22, 122:23, 125:20, 126:6, 127:10, 127:17, 127:19, 128:1, 132:20, 133:16, 133:22, 134:11, 135:25, 136:7, 141:5, 142:6, 148:5, 149:2, 149:12, 149:13, 150:1, 151:23, 153:1, 153:19, 162:6, 210:22, 215:13, 215:22, 216:12, 227:11, 241:4, 242:16, 248:24</p> <p>Tables [8] - 78:7, 87:9, 87:20, 89:6, 91:3, 124:17, 134:16, 237:10</p> <p>tables [45] - 14:15, 22:17, 78:13, 78:16, 78:21, 81:9, 82:1, 82:3, 86:11, 92:6, 102:22, 110:1, 120:1, 120:21, 120:23, 121:5, 122:6, 124:19, 132:12, 132:14, 132:18, 132:25, 133:1, 133:12, 133:17, 133:20, 135:19, 136:4, 136:9, 140:5, 140:6, 141:11, 141:23, 148:6, 215:6, 226:20, 226:22, 231:22, 236:9, 236:11, 236:13, 236:24, 237:19, 241:3</p> <p>tabs [1] - 71:18</p> <p>tabulated [2] - 169:8, 169:9</p> <p>tabulation [10] - 11:2, 12:7, 12:10, 15:10, 16:3, 17:10, 17:15, 18:3, 73:25, 254:3</p> <p>Tabulation [1] - 73:12</p> <p>tabulations [1] - 103:10</p> <p>Tabulations [1] - 15:7</p> <p>tailored [1] - 191:4</p> <p>talks [1] - 29:14</p> <p>TAMMY [1] - 1:10</p> <p>tape [4] - 88:16, 163:12, 166:2, 243:9</p>	<p>task [4] - 157:17, 161:19, 162:5, 162:11</p> <p>taught [3] - 178:2, 178:3, 178:7</p> <p>technical [10] - 36:15, 161:4, 161:14, 161:19, 161:24, 162:13, 180:22, 190:19, 252:21, 252:23</p> <p>technique [1] - 37:2</p> <p>techniques [2] - 36:19, 36:22</p> <p>telephone [1] - 4:24</p> <p>temperature [1] - 202:19</p> <p>ten [7] - 15:16, 114:18, 189:25, 233:19, 233:24, 235:16</p> <p>tendered [1] - 84:3</p> <p>term [7] - 32:24, 32:25, 161:10, 186:16, 186:19, 186:25, 227:1</p> <p>terminology [1] - 197:20</p> <p>terms [6] - 36:9, 37:23, 114:12, 158:5, 163:1, 186:21</p> <p>terrific [5] - 46:18, 69:17, 79:22, 89:13, 106:2</p> <p>territory [6] - 35:1, 36:16, 36:25, 38:18, 40:24, 58:11</p> <p>test [1] - 42:5</p> <p>testified [7] - 5:18, 18:16, 104:22, 142:3, 207:16, 207:18, 208:5</p> <p>testify [4] - 7:18, 214:5, 214:14, 257:13</p> <p>testifying [1] - 158:14</p> <p>testimony [8] - 70:14, 72:25, 73:24, 170:6, 183:4, 208:16, 214:11, 257:19</p> <p>text [6] - 159:21, 190:18, 190:19, 215:17, 217:3, 247:3</p> <p>THE [10] - 15:23, 67:4, 69:19, 71:16, 73:18, 75:2, 85:12, 125:16, 134:4, 134:8</p> <p>themselves [5] - 58:21, 61:7, 74:21, 94:19, 243:24</p> <p>therefore [2] - 52:10, 154:17</p>	<p>thereupon [1] - 257:15</p> <p>thermometer [2] - 202:19, 202:22</p> <p>thinking [1] - 145:25</p> <p>third [5] - 23:11, 102:14, 195:23, 200:24, 244:15</p> <p>THOMAS [5] - 1:15, 1:16, 2:4, 2:14, 2:15</p> <p>thousand [1] - 167:23</p> <p>three [12] - 27:25, 69:7, 73:19, 107:9, 154:6, 154:7, 154:8, 154:14, 198:16, 217:4, 219:11, 255:8</p> <p>three-fifths [1] - 219:11</p> <p>three-quarters [1] - 154:14</p> <p>three-year [1] - 107:9</p> <p>threshold [6] - 101:23, 172:9, 172:13, 172:15, 173:23, 187:18</p> <p>thresholds [1] - 186:24</p> <p>throughout [2] - 151:10, 231:5</p> <p>Thumb [1] - 3:15</p> <p>thumb [35] - 6:18, 7:1, 7:10, 9:14, 9:16, 12:25, 13:5, 13:13, 14:23, 15:2, 17:16, 17:17, 17:20, 17:24, 27:7, 28:19, 38:13, 53:20, 54:1, 54:6, 67:25, 68:6, 69:13, 70:22, 73:10, 73:13, 74:5, 75:6, 75:7, 104:16, 156:11, 156:14, 160:8, 160:9, 219:5</p> <p>thumbing [1] - 67:8</p> <p>THYSSEN [1] - 1:8</p> <p>tied [1] - 231:11</p> <p>tight [1] - 213:22</p> <p>tightly [1] - 247:9</p> <p>timing [1] - 156:4</p> <p>TIMOTHY [2] - 1:16, 2:15</p> <p>tiny [1] - 52:20</p> <p>tipping [3] - 183:15, 183:16, 183:17</p> <p>title [7] - 8:23, 38:14, 106:3, 139:13, 139:18, 152:14, 193:22</p> <p>titles [1] - 38:23</p>	<p>today [12] - 5:24, 8:5, 8:12, 14:22, 70:16, 73:1, 84:20, 132:15, 155:15, 160:1, 163:3, 236:12</p> <p>Todd [1] - 5:9</p> <p>together [27] - 22:25, 31:10, 35:3, 55:10, 55:16, 56:1, 72:4, 81:9, 98:4, 107:13, 107:14, 108:3, 134:10, 136:6, 137:3, 144:20, 147:22, 162:21, 199:10, 227:11, 246:10, 246:20, 247:9, 247:13, 247:17, 248:21</p> <p>took [6] - 64:16, 112:2, 140:11, 202:18, 233:20, 239:16</p> <p>top [31] - 11:11, 11:23, 15:6, 23:24, 29:11, 30:8, 32:12, 35:14, 47:8, 48:13, 73:11, 75:20, 76:18, 77:13, 78:6, 78:12, 80:19, 81:6, 86:4, 109:7, 109:14, 121:18, 121:21, 122:11, 132:22, 140:12, 146:7, 172:16, 189:24, 212:17, 244:17</p> <p>topic [2] - 146:3, 208:21</p> <p>topics [1] - 223:21</p> <p>tortuous [1] - 205:17</p> <p>Total [11] - 49:16, 57:15, 58:23, 89:25, 109:14, 112:11, 132:21, 134:16, 138:11, 138:20, 149:3</p> <p>total [65] - 19:4, 19:5, 20:17, 22:18, 30:23, 34:13, 49:1, 49:15, 50:13, 51:4, 51:12, 51:14, 51:15, 51:19, 53:12, 59:8, 59:15, 59:16, 108:10, 109:13, 109:15, 109:18, 113:5, 113:6, 116:3, 117:20, 120:11, 121:17, 122:1, 123:16, 124:4, 125:21, 126:5, 128:11, 128:17, 133:24, 136:24, 137:13, 140:12,</p>	<p>140:18, 142:4, 143:5, 148:13, 148:16, 148:19, 148:24, 149:15, 151:2, 153:3, 153:8, 153:20, 154:2, 176:25, 216:21, 216:24, 216:25, 219:25, 220:1, 228:10, 230:20, 232:4, 233:3, 237:24, 241:16</p> <p>totally [1] - 146:25</p> <p>totals [2] - 137:8, 228:7</p> <p>touching [1] - 257:14</p> <p>toward [2] - 85:15, 146:10</p> <p>track [2] - 106:11, 136:8</p> <p>tract [37] - 23:20, 24:25, 26:14, 26:21, 26:23, 28:5, 28:6, 28:7, 28:9, 29:21, 29:25, 30:9, 33:1, 33:7, 33:8, 33:9, 35:6, 35:23, 37:11, 38:4, 41:14, 41:15, 43:4, 46:3, 50:17, 51:17, 107:18, 115:8, 183:25, 205:21, 243:2, 255:2, 255:5, 255:10, 256:1</p> <p>Tract [18] - 31:17, 34:2, 34:10, 34:12, 34:17, 34:21, 35:10, 35:20, 37:10, 37:16, 37:23, 42:4, 43:3, 44:5, 44:14, 44:23, 45:25, 52:7</p> <p>tract's [1] - 33:6</p> <p>Tracts [10] - 24:2, 24:20, 27:17, 29:12, 30:8, 32:12, 32:18, 45:17, 49:8, 53:1</p> <p>tracts [57] - 24:22, 25:3, 25:9, 25:12, 25:14, 25:15, 25:16, 27:1, 27:4, 29:13, 29:17, 29:20, 30:12, 30:16, 31:5, 31:20, 32:5, 36:10, 36:17, 38:2, 38:18, 41:15, 41:16, 41:20, 41:25, 42:19, 45:18, 45:22, 46:4, 47:7, 47:14, 47:21, 50:24, 50:25, 51:6, 51:7, 52:6, 52:14, 59:17, 60:20, 66:15, 66:16, 66:23, 68:13, 105:20,</p>
--	---	---	---	---

<p>111:22, 161:3, 182:12, 182:14, 182:24, 182:25, 183:2, 183:5, 204:17, 250:15, 251:7, 254:14 traditional [1] - 253:2 train [1] - 33:5 training [4] - 251:24, 252:7, 252:13, 252:25 transcript [4] - 3:22, 3:23, 3:24, 67:8 transcription [1] - 257:18 translates [1] - 232:20 transmitted [1] - 84:6 transmitting [1] - 84:10 TRAVIS [1] - 1:8 trend [2] - 227:15, 227:17 trial [5] - 170:22, 212:2, 214:5, 214:15, 250:3 tricky [1] - 178:9 tried [1] - 235:18 trivial [1] - 157:17 trouble [2] - 129:12, 206:16 troubling [1] - 200:20 Troupis [1] - 164:14 true [14] - 49:25, 50:8, 50:9, 53:4, 57:12, 149:24, 150:6, 200:11, 200:13, 200:17, 218:19, 218:20, 254:14, 257:18 truth [2] - 257:13 try [6] - 69:3, 74:24, 101:15, 154:22, 205:18, 214:21 trying [16] - 20:14, 26:12, 42:6, 43:7, 51:23, 72:10, 91:16, 146:2, 172:21, 176:15, 177:4, 177:6, 195:8, 199:22, 213:23, 245:18 turn [17] - 7:22, 18:13, 45:3, 46:7, 46:18, 75:16, 77:12, 84:13, 117:14, 122:7, 150:12, 152:21, 194:1, 196:25, 217:5, 238:9, 242:12 turned [5] - 68:1,</p>	<p>68:7, 77:6, 131:13, 155:11 Turning [1] - 152:11 turning [3] - 131:4, 151:15, 152:9 turnout [3] - 76:1, 77:21, 152:18 Turnout [1] - 210:25 two [74] - 9:21, 10:24, 17:6, 22:6, 24:14, 27:10, 28:13, 39:18, 40:8, 40:12, 41:10, 46:25, 47:11, 48:24, 54:4, 56:16, 64:25, 71:11, 74:17, 74:18, 81:8, 82:20, 86:13, 86:23, 89:10, 90:8, 92:11, 92:12, 98:3, 98:4, 101:12, 107:12, 111:3, 113:3, 114:15, 126:7, 126:10, 126:15, 126:23, 127:8, 130:8, 130:19, 130:24, 131:1, 135:19, 136:16, 136:19, 137:3, 138:5, 138:16, 139:6, 140:23, 142:24, 145:20, 157:9, 160:6, 162:12, 183:13, 206:11, 206:19, 207:6, 216:10, 217:4, 220:21, 223:9, 226:13, 227:11, 228:7, 246:9, 246:19, 247:8, 247:16, 251:17, 255:7 type [6] - 52:25, 101:19, 102:25, 114:16, 133:15, 251:4 types [2] - 132:25, 133:2 typewriting [1] - 257:17 typical [2] - 252:15, 254:10 typically [9] - 41:7, 52:20, 161:22, 198:20, 209:3, 225:9, 225:13, 254:1, 254:6 typos [2] - 130:8, 131:3</p>	<p>185:3, 225:16, 236:16 UCLA [1] - 163:9 un-populated [1] - 40:24 under [70] - 14:5, 20:4, 20:5, 20:15, 20:17, 22:3, 33:16, 33:23, 33:24, 37:21, 50:13, 84:13, 87:15, 88:9, 89:24, 92:13, 92:19, 92:23, 98:8, 99:2, 99:8, 106:8, 106:9, 110:23, 112:11, 119:21, 120:3, 120:7, 120:8, 120:12, 121:1, 123:9, 123:15, 123:18, 123:23, 124:1, 128:9, 137:12, 140:9, 140:10, 140:20, 140:21, 141:10, 141:18, 143:11, 144:17, 144:22, 144:25, 158:10, 159:16, 162:14, 168:10, 204:24, 207:8, 209:11, 220:20, 236:4, 237:14, 237:20, 237:22, 237:23, 237:24, 238:1, 238:4, 241:21, 241:22, 242:1, 244:16, 256:2 Under [4] - 71:8, 108:9, 139:23, 141:19 underestimate [1] - 229:24 underestimated [4] - 52:4, 52:9, 52:15, 52:19 underneath [4] - 17:7, 57:14, 58:23, 124:11 understate [1] - 100:18 understating [2] - 53:4, 53:9 Understood [1] - 184:13 understood [1] - 73:8 unfold [1] - 236:2 unfortunately [2] - 102:20, 187:3 unimportant [1] - 176:6 uninformative [1] - 146:25 unique [1] - 188:10 UNITED [1] - 1:1</p>	<p>United [28] - 4:6, 15:22, 15:23, 16:1, 66:19, 76:2, 76:21, 86:11, 87:8, 87:20, 89:6, 95:23, 151:10, 176:9, 191:2, 194:10, 196:2, 200:16, 210:5, 224:5, 224:9, 226:8, 228:12, 228:15, 229:14, 230:13, 237:10 universe [1] - 119:13 unknown [1] - 229:18 unless [3] - 169:20, 204:2, 206:22 unpublished [1] - 103:10 up [81] - 15:1, 23:24, 30:7, 34:24, 38:25, 41:1, 41:25, 51:20, 51:22, 53:2, 53:11, 57:6, 63:16, 63:17, 64:25, 65:1, 71:10, 74:15, 75:11, 75:20, 76:18, 77:13, 78:6, 81:6, 83:12, 85:23, 90:6, 93:9, 95:5, 108:24, 109:1, 109:3, 109:7, 110:2, 111:1, 116:1, 118:3, 119:7, 120:10, 123:13, 123:20, 123:21, 123:23, 124:1, 124:25, 126:11, 126:12, 126:16, 128:24, 131:15, 133:7, 133:9, 136:19, 136:20, 140:19, 140:25, 143:2, 146:24, 149:20, 162:23, 162:24, 180:6, 183:12, 190:15, 192:11, 202:22, 206:3, 206:19, 206:21, 207:6, 220:5, 220:6, 227:8, 233:23, 233:24, 234:3, 244:10, 245:6, 246:20, 247:24, 253:21 update [1] - 188:7 updated [1] - 188:23 upper [12] - 10:9, 11:4, 18:14, 26:15, 28:2, 46:10, 49:13, 53:9, 65:5, 86:1, 125:15, 134:15 upward [1] - 52:17</p>	<p>urban [1] - 40:22 usage [1] - 167:20 useful [3] - 186:18, 195:18, 199:11 useless [4] - 254:8, 254:23, 255:14, 256:4 uses [3] - 36:20, 168:20, 177:11 usual [1] - 157:21</p>
V				
<p>vague [1] - 157:10 vaguely [2] - 107:11, 157:6 Value [1] - 114:3 values [5] - 101:16, 108:22, 112:9, 117:2, 199:20 VAN [1] - 5:6 Van [2] - 4:10, 257:8 VAP [14] - 92:19, 92:23, 99:3, 99:8, 99:21, 126:15, 126:20, 126:25, 127:2, 127:4, 127:9, 127:13, 127:17, 127:19 VARA [1] - 2:9 variable [4] - 203:11, 203:13, 203:14, 208:10 variables [1] - 202:24 variants [1] - 190:3 variations [1] - 219:2 varies [3] - 41:6, 41:8, 167:17 variety [1] - 230:9 various [3] - 13:14, 23:6, 119:25 varying [2] - 41:17, 41:18 VERA [1] - 1:4 verify [2] - 15:4, 17:21 version [5] - 35:7, 110:11, 110:12, 118:21, 161:3 versions [3] - 56:25, 111:3, 127:8 versus [3] - 129:4, 183:14, 237:22 Video [1] - 5:9 VIDEOTAPE [2] - 1:18, 4:1 view [1] - 43:2 views [1] - 212:5 virtually [3] - 20:11,</p>				

<p>58:5, 221:7 visible [2] - 101:10, 221:22 visual [1] - 103:20 vital [1] - 102:17 VOCES [1] - 2:8 Voces [1] - 4:25 VOCKE [2] - 1:16, 2:15 vote [7] - 108:2, 151:8, 198:8, 211:2, 211:7, 211:12, 215:2 Vote [2] - 150:14, 152:11 voted [2] - 198:5, 199:23 voter [4] - 75:25, 77:21, 178:23 Voter [1] - 210:25 voters [17] - 94:2, 94:5, 97:15, 108:2, 167:2, 176:17, 176:22, 176:23, 177:1, 177:22, 177:25, 202:1, 205:15, 221:21, 222:20, 236:21 Voters.xlsx [1] - 118:15 voting [115] - 11:3, 12:13, 14:5, 18:6, 18:8, 18:9, 18:11, 22:15, 22:19, 30:24, 34:13, 34:14, 49:2, 58:25, 59:2, 59:4, 59:22, 60:13, 60:17, 60:24, 62:4, 65:15, 74:1, 82:15, 92:17, 92:22, 93:2, 93:3, 93:10, 93:11, 93:12, 93:15, 93:19, 94:6, 94:13, 95:1, 96:20, 97:21, 101:13, 103:24, 104:1, 110:21, 111:11, 113:14, 115:18, 116:5, 116:7, 117:9, 118:20, 120:2, 121:16, 122:19, 123:8, 124:11, 126:6, 127:22, 128:18, 130:1, 131:7, 136:15, 137:4, 137:13, 137:16, 140:7, 149:16, 149:18, 150:2, 155:5, 155:6, 155:7, 157:14, 166:13, 166:25, 199:2, 200:25, 201:8, 204:19, 206:7,</p>	<p>206:12, 206:14, 207:4, 207:7, 207:21, 208:12, 208:18, 208:23, 209:7, 209:12, 209:15, 211:15, 211:18, 211:24, 212:4, 215:1, 215:23, 215:24, 216:2, 216:4, 216:23, 216:24, 217:1, 238:21, 238:22, 238:23, 240:19, 241:14, 242:1, 242:5, 242:24, 244:9, 246:13, 249:2, 254:16 Voting [5] - 76:19, 78:6, 78:17, 125:23, 135:5</p>	<p>66:19, 67:9, 95:23, 109:11, 130:4, 191:7, 227:19, 254:13 Whole [1] - 65:7 wholly [4] - 25:4, 51:6, 60:21, 66:23 WI [1] - 5:10 wide [2] - 84:22, 148:22 widely [3] - 41:9, 107:24, 253:1 widen [1] - 85:20 wider [1] - 116:11 wife [1] - 161:12 wife's [1] - 197:22 William [1] - 163:9 Wisconsin [87] - 1:13, 1:20, 2:1, 2:12, 2:16, 4:4, 4:7, 4:9, 4:13, 4:20, 4:24, 5:3, 5:7, 10:9, 11:13, 12:1, 12:12, 13:7, 13:9, 13:10, 15:21, 17:1, 17:7, 17:9, 17:13, 18:7, 56:2, 63:3, 66:19, 69:11, 74:2, 74:16, 96:1, 102:7, 103:6, 109:7, 109:11, 110:3, 110:6, 110:13, 110:23, 111:11, 111:12, 113:14, 133:7, 133:17, 133:18, 133:23, 134:12, 134:16, 134:25, 135:23, 136:1, 136:13, 136:14, 137:1, 137:8, 138:6, 138:12, 139:7, 139:8, 139:12, 139:14, 139:23, 141:23, 157:8, 178:1, 181:4, 181:20, 184:11, 188:3, 191:3, 191:5, 214:25, 224:10, 224:12, 224:13, 224:15, 228:2, 228:8, 228:11, 231:11, 236:17, 257:5, 257:11, 258:6 WISCONSIN [3] - 1:1, 5:3, 257:1 wit [1] - 257:11 WITNESS [10] - 15:23, 67:4, 69:19, 71:16, 73:18, 75:2, 85:12, 125:16, 134:4, 134:8 witness [6] - 4:2, 5:17, 7:7, 158:3, 257:19, 258:2</p>	<p>Witness [1] - 3:2 Word [9] - 180:21, 189:4, 189:9, 191:10, 192:12, 193:10, 195:6, 197:4, 202:1 word [9] - 126:20, 171:1, 185:11, 186:13, 191:15, 193:12, 227:25, 234:16, 237:12 worded [1] - 157:6 words [19] - 13:7, 34:15, 42:13, 48:24, 51:15, 72:17, 79:18, 99:11, 123:20, 133:13, 144:20, 152:13, 153:6, 176:2, 185:20, 207:2, 217:2, 225:12, 245:21 works [4] - 28:1, 161:22, 188:19, 194:23 world [2] - 153:24, 239:14 worth [2] - 101:6, 101:17 write [1] - 24:11 writing [2] - 14:10, 208:8 written [9] - 44:4, 51:1, 57:16, 59:20, 65:7, 81:12, 86:14, 117:24, 208:20 wrote [3] - 19:12, 223:22, 225:5</p>	<p>136:7, 138:15, 139:16, 139:20, 140:4, 158:12, 225:23, 227:5, 227:6, 227:16, 227:18, 229:1, 231:20, 231:21, 233:24, 241:15, 241:20, 241:22, 241:24, 241:25, 243:1, 244:6, 244:8, 245:24, 246:2, 246:16, 246:23, 247:2, 247:6, 253:24, 255:3 years [37] - 8:25, 15:16, 16:12, 66:5, 87:18, 88:13, 89:19, 90:5, 90:13, 99:2, 99:5, 99:11, 100:7, 100:8, 107:12, 107:13, 108:11, 108:19, 109:16, 110:10, 115:22, 116:20, 123:5, 123:23, 123:24, 129:4, 135:10, 136:16, 136:17, 158:18, 158:20, 189:12, 189:14, 224:22, 233:24, 235:17 Years [1] - 128:10 yesterday [3] - 163:21, 164:5, 164:8 yields [1] - 225:17 young [1] - 238:24 younger [1] - 96:19 yourself [1] - 197:24 youthful [4] - 150:10, 153:13, 153:21, 242:12</p>
	<p>W</p>		<p>X</p>	
	<p>walk [1] - 88:5 walked [1] - 142:8 wants [5] - 16:8, 55:8, 155:8, 190:3, 198:12 WARA [1] - 2:9 water [1] - 38:19 Water [3] - 4:11, 5:6, 257:9 ways [2] - 211:9, 240:6 weaken [1] - 235:12 website [9] - 23:11, 39:7, 54:25, 77:20, 78:14, 119:4, 119:17, 189:3 websites [1] - 26:3 week [1] - 108:7 weeks [1] - 42:2 West [1] - 5:3 whatsoever [5] - 58:22, 82:7, 145:23, 163:4, 164:1 whereas [3] - 93:16, 111:2, 237:15 wherein [1] - 4:3 whereof [1] - 258:2 whichever [1] - 153:24 White [3] - 21:24, 22:4, 87:16 white [6] - 92:16, 93:17, 94:1, 97:15, 103:23, 218:24 whites [5] - 19:16, 20:12, 22:7, 93:10, 96:4 whole [9] - 65:1,</p>		<p>xls [1] - 56:20 xlsx [1] - 56:21</p>	
			<p>Y</p>	<p>Z</p>
			<p>Year [3] - 87:6, 87:13, 92:12 year [70] - 49:3, 59:3, 61:9, 90:11, 93:20, 94:2, 95:3, 96:7, 100:12, 100:13, 101:2, 107:6, 107:9, 110:6, 110:7, 110:8, 110:11, 110:12, 111:1, 111:5, 115:9, 115:12, 115:16, 115:17, 115:24, 116:10, 116:12, 116:15, 116:17, 124:15, 128:22, 129:4, 129:5, 129:8,</p>	<p>zoomed [1] - 24:16</p>